Ministry of
Attorney General

2004/05
Annual Service Plan Report

BRITISH
COLUMBIA

www.gov.bc.ca

National Library of Canada Cataloguing in Publication Data
British Columbia. Ministry of Attorney General.
Annual Service Plan Report. — 2002/03 —

Annual.
Continues: British Columbia. Ministry of Attorney General. Annual report (2002).
ISSN 1703-2717.
ISSN 1705-9577 = Annual service plan report — British Columbia. Ministry of Attorney General.

1. British Columbia. Ministry of Attorney General — Periodicals. 2. Justice, Administration of — British Columbia — Periodicals. I. Title. II. Title: Ministry of Attorney General... annual service plan report.

KEB475.A72B74 353.4'09711'05 C2003-960129-3 KF5106.A6B74

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Published by the Ministry of Attorney General

* *Refer to note on page 3.*

106-00484/

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PLEASE NOTE: On June 16, 2005, the government ministries were re-organized to reflect the new cabinet responsibilities. Many of the website addresses and links in this printed report may have changed following the government re-organization.

- A list of the new ministries is available on the government website at http://www.gov.bc.ca — follow the links to Ministries and Organizations.
- An index of all 2004/05 Annual Service Plan Reports, with up-to-date website links, is available online at http://www.bcbudget.gov.bc.ca/annualreports/.

Message from the Attorney General and Accountability Statement

I present with great pleasure the Ministry of Attorney General Annual Service Plan Report for 2004/05. This report chronicles our outstanding achievements for the past year and describes our continuing efforts to bring fundamental change to the provincial justice system.

Over the past four years, we have listened to citizens who pursued legal claims, but found the process costly, complex, confusing and slow. We responded to those pleas to improve and simplify the justice system so that ordinary people could resolve their disputes quickly, inexpensively and with confidence that they had received fair process.

To make our vision and aspirations a reality, we made innovation and reform a hallmark of this ministry. We sought new approaches and novel solutions. We built on our early successes and collaborated with other justice participants to bring about needed change.

I am particularly proud of the improvements we have made to the civil justice system. This report describes the recent changes that will continue to modernize that system, increase access, offer more options, lower the cost to litigants, and make the process proportional to the amount in dispute. I am equally proud of our success in transforming the administrative justice system from an intricate network of almost seventy tribunals into a more efficient group of just over thirty agencies. Our efforts in criminal justice are also remarkable. We are now regarded as leaders in criminal justice reform and outstanding innovations in the prosecution and management of hugely complex mega trials.

With the assistance of our dedicated and progressive justice partners and our highly motivated public service workforce, I am certain that British Columbia will continue to lead the quest for a responsive, relevant and credible justice system in which our citizens can take pride.

The 2004/05 Ministry of Attorney General Annual Service Plan Report compares the actual results to the expected results identified in the ministry's 2004/05 Service Plan. I am accountable for those results as reported.

Honourable Geoff Plant
Attorney General

June 8, 2005

Highlights of the Year

The past year was one of revitalization for the Ministry of Attorney General. During this time the ministry strengthened its reform efforts in order to bring innovation and improvements to all parts of the justice system. Our commitment to provide strong leadership in furthering justice system reform and innovation is reflected in many of the accomplishments noted below.

Ongoing Justice System Reform Initiatives

- Continued to fund and participate in the **Justice Review Task Force (JRTF)**[1] in order to identify a wide range of possible reforms to make the justice system more responsive, accessible and cost-effective.
  - The **Family Justice Reform Working Group** continued to develop recommendations for the design of a family justice system that is more accessible, effective and oriented to the needs of children and families.
  - The **Street Crime Working Group** continued to focus on the root causes of street crime,[2] particularly with regard to repeat offenders who may be suffering from addiction, other social problems or mental illness. After consulting with the public and stakeholders, the working group developed recommendations for new justice system responses to street crime in Vancouver. The JRTF will release these recommendations to the public in June 2005.
  - The **Civil Justice Reform Working Group** was established to identify reforms to make the civil justice system easier to understand, cheaper to use, and more accessible to all British Columbians.
  - The **Mega Trials Working Group** was established to develop recommendations for managing large criminal cases in British Columbia.
- Led and served on national justice reform committees including the Heads of Prosecution, which comprises all Canadian prosecution services.

[1] Membership on the JRTF includes Chief Justice of the Supreme Court of B.C., Chief Judge of the Provincial Court of B.C., Deputy Attorney General, Assistant Deputy Minister of Justice Services of the Ministry of Attorney General, the Canadian Bar Association and the Law Society of B.C.

[2] The term "street crime" includes drug use and dealing, auto and other theft, break and entering and public mischief. It does not include serious crimes such as murder, serious assault or commercial crime.

Electoral Reform

- Enacted the following referendum question recommended by the Citizens' Assembly on Electoral Reform to be included on the May 17, 2005, ballot as part of the provincial election:

  Should British Columbia change to the BC-STV electoral system as recommended by the Citizens' Assembly on Electoral Reform?

- Established the Referendum Information Office to provide information and help British Columbians make an informed choice about the BC-STV electoral system recommended by the Citizens' Assembly in its final report of December 2004.

Criminal Justice System Reform

- Received a finalist designation in the 2004 Premier's Awards for outstanding innovation in mega case prosecution and management techniques. Mega cases[3] are highly complicated criminal cases involving large numbers of victims and witnesses, unprecedented security risks, massive amounts of evidence and immense legal complexities.
- In partnership with the Provincial Court judiciary, decreased backlog at the Main Street courthouse in Vancouver by nearly half.
- Expanded traffic reforms to increase administrative efficiency and to hold traffic offenders more accountable.
- Streamlined the process for disputing traffic tickets by introducing teleconferencing, certificates of evidence and hearings in writing. These reforms provide more convenient services to the public and police and help reduce court backlog.
- Provided a new discount incentive to encourage prompt payment of traffic tickets.
- Signed an agreement under the federal *Contraventions Act* that will enable provincial officers to issue tickets for minor federal offences. When fully implemented in 2005, the simplified procedure will give police a better enforcement tool for over 2,000 federal offences, including offences relating to marine navigation, shipping, trade, the environment and parks and wildlife.
- Contributed to amendments to the provincial *Motor Vehicle Act* that address treatment and rehabilitation for drivers identified to have substance abuse problems. Contributed to the development of proposed federal legislation to combat drug-impaired driving.
- Negotiated a joint venture (Integrated Market Enforcement Teams) with the federal prosecution service to help protect Canada's capital markets from nationally significant fraud.
- Funded an Organized Crime Unit (OCU) led by senior provincial prosecutors working with federal prosecutors and police. The OCU began processing organized crime cases in spring of 2005.
- Set new fee regulations under the *Jury Act* to recognize the financial impact to those who sit on juries.

[3] Recent examples of mega criminal cases are the Air India and Pickton trials and Eron Mortgage, a commercial crime case.

- Brought the *Safe Streets Act* and the *Trespass Amendment Act, 2004* into force as part of government's strategy to make city streets safer and increase support for local communities.
- Continued participation in the pilot Drug Treatment Court in Vancouver.

Civil and Administrative Justice System Reform

- Amended legislation to modernize the province's civil justice system, increase access and make the cost to litigants more proportional to the amounts in dispute. The following reforms will become effective September 1, 2005.
  - The monetary jurisdiction of the Provincial Small Claims Court will increase from $10,000 to $25,000, increasing access to simpler, faster and less costly processes.
  - The Notice to Mediate process will be made available provincewide for Small Claims cases between $10,000 and $25,000. This early settlement process enables one party to require the other parties to attend a mediation session.
  - Supreme Court processes for claims valued at $100,000 or less will be streamlined through the new Expedited Litigation Project Rule (Rule 68). Rule 68 will be piloted for two years in the Vancouver Law Courts, Victoria, Prince George and Nelson registries.
  - Through an amendment to the *Crown Proceeding Act*, litigants will be able to sue the government in Small Claims Court as opposed to Supreme Court, which was time-consuming and costly.
  - Through amendments to the *Evidence Act*, electronic documents and signatures will be admissible to court, furthering the development of electronic court case management.
- Amended the *Class Proceedings Act* to streamline class proceedings and eliminate the need for individuals to file separate lawsuits only to preserve their right to sue while an application for class certification is in progress.
- Improved the administration and governance of legal aid by:
  - budgeting an additional $4.6 million for the Legal Services Society effective in 2005/06 to broaden the range of family services for low income families, support families in crisis and help self-represented litigants find lasting solutions to legal problems;
  - budgeting $0.8 million to the Legal Services Society for immigration and refugee legal aid;
  - budgeting $0.6 million to the Legal Services Society for legal aid costs associated with increased provincial policing; and
  - reshaping the governance structure of the Legal Services Society, enabling the organization to develop new approaches to delivering legal aid. The Society is now recognized as having one of the most innovative legal aid programs in North America.
- In collaboration with the Ministry of Children and Family Development, expanded child protection mediation, which has reduced the time it takes to resolve cases and the time children spend in care when cases are returned to mediation.
- Amended the *Family Relations Act* to authorize a pilot to update child support orders by recalculating child support payments on a regular basis. This initiative is intended to provide more timely benefits to children when there is a change in the payer's income. Should a payer's income decrease, payments can be adjusted, thereby reducing the number of orders that fall into arrears.

- Developed a plan to expand the process for adjudicating minor bylaw disputes at the municipal level, which removes such disputes from the court system and accelerates resolution time.
- Amended the *Expropriation Act* to transfer jurisdiction over expropriation compensation proceedings from the Expropriation Compensation Board to the Supreme Court, effective March 18, 2005. This change will streamline proceedings, avoid duplications and reduce delays.
- Continued implementing the *Administrative Tribunals Act*, which allows administrative tribunals to operate more openly, more effectively and with greater access to the persons they serve. Developed model documents, including practice directives, to inform the public of clear and reasonable timeframes for resolving issues.

Private Law Reform

- Amended the *Estate Administration Act* (part of the *Statutes Amendment Act*), to increase the value of small estates from $10,000 to $25,000 and streamline procedures for the administrators of small estates.
- Amended the *Libel and Slander Act* (part of the *Statutes Amendment Act*) to maintain the balance between the protection of personal reputation and the protection of free expression.
- Introduced the *Charitable Purposes Preservation Act*, which will allow a donation to a charity for a specific purpose to be used exclusively for that purpose. The Act will also prevent charities from using specific donations to satisfy unrelated debts or other liabilities.

Justice System Infrastructure Reform

- Implemented the Court Services Online electronic search service, allowing individuals in the justice community and members of the public to access civil case information from their own computers twenty-four hours a day, seven days a week.
- Improved the JUSTIN electronic integrated justice information network by implementing an interface between JUSTIN and PRIME, a police records management system. The interface allows for a single point of entry for police records data to JUSTIN.
- Piloted an electronic Litigation Management System to streamline prosecution processes such as disclosure, case preparation and evidence presentation.
- Made courthouses safer for court users by strengthening the security standards for facilities and implementing a threat assessment network that links into the Sheriffs' Protective Intelligence Program.
- Raised sheriffs' training standards and implemented advanced training for high security/ high profile trials.

Ministry Role and Services

Vision, Mission and Values

The ministry's renewed mandate emphasizes its role as a leader in law reform and innovation within the provincial justice system. To convey this approach throughout the organization, the ministry modified its former guiding principles. The restated vision, mission and value statements below provided a foundation for the transition to the new paradigm, which is carried forward in the ministry's 2005/06 Service Plan.

Vision

A province governed by the rule of law with an effective justice system serving all British Columbians.

> ***The Rule of Law***
>
> ***The rule of law is a fundamental principle in a free and democratic society. It guarantees that law is supreme and that the exercise of public power requires a source in some legal rule. It shields individuals from arbitrary action.***

Mission

We are responsible in government for law reform, for the administration of justice and for seeing that public affairs are administered in accordance with the law.

Culture and Values

We are dynamic and innovative leaders in justice and public administration with the following values and operating principles.

1. To be performance- and service-focused.
2. To honour members of the ministry and support them in their learning and development.
3. To act with professional integrity, independent from interference.
4. To be forthright and strategic.
5. To be collaborative and inclusive within the justice system and with the public that we serve.
6. To adhere to the core values of the British Columbia Public Service, namely integrity, accountability, responsibility, respect and fostering innovation in providing services.

Independence in the Justice System

A free and democratic society based on the rule of law requires a justice system where decisions are made independently and free from interference. Justice system participants must act according to law and policy without being improperly influenced from outside sources or other participants in the system. Perhaps the clearest expression of independence is the independence of judges, who must be free to adjudicate cases without interference. Similarly, other participants in the justice system, such as police and Crown counsel, must also make decisions free of interference or control by others. This independence ensures a fair system. It operates for the benefit of society and not for the participating components of the system.

Equally, the justice system must serve the public interest and be open to public scrutiny to ensure that it does indeed serve the public interest. Justice system components must work together, recognizing the interdependence of the system without compromising the core principle of independence.

Ministry Overview, Core Business Areas and Structure

Ministry Overview

The Attorney General is the Law Officer of the Crown and has a unique role in government as the person who must see that the administration of public affairs is in accordance with the law. The Ministry of Attorney General fulfills that role under the Attorney's direction and is responsible in government for law reform, the administration of justice and for providing legal services that ensure lawful public administration. For financial and administrative purposes, the ministry's responsibilities are organized into the five core business areas described below.

Court Services

This core business area supports timely and equitable access to the Provincial Court, Supreme Court and Court of Appeal by providing:

- administrative services to the independent judiciary;
- special assistance to the judiciary on specific initiatives including electronic court records;
- case documentation and trial support;
- prisoner custody and escort;
- court order enforcement;
- court and courthouse security;
- management of jury selection;
- interpreter services; and
- maintenance of the facilities in which court is held.

These services, which are directly delivered by ministry staff, enable the courts to operate safely and efficiently.

Court Services must operate in a manner that meets the needs of the entire system and not solely any one member of it. This must be done within an adversarial system where working relationships among participants cannot be described as true partnerships. Many decisions and functions within the system must be undertaken independently, free from improper interference and separate from decisions made by other justice system participants. Each participant contributes separately to the process in order to foster the independent and impartial administration of justice required in a free and democratic society based on the rule of law. The other key participants are:

- **The Judiciary:** The judiciary directs the scheduling of all court appearances and all judicial sittings. Court Services supports these court events by providing administrative services, personnel, document production, prisoner appearances and courtroom and courthouse security. Court Services develops operational policies and procedures to support court processes in consultation with the judiciary and stakeholders.
- **Counsel:** Court Services informs counsel of operational changes affecting court processes. Court Services also provides support through the standardization of documents such as reports, forms and requests — all accessible to counsel on the Internet.
- **Police and Corrections Authorities:** Court Services works with these authorities in providing efficient and secure handling of persons in custody and in the development of case tracking and business reform initiatives.

Court Services also works directly with federal, municipal and aboriginal governments in the delivery of court services and with other government ministries and Crown corporations in matters related to facility administration and court reforms.

Court Services supports 44 staffed courthouses and 44 circuit courts. There are continuing pressures and challenges associated with case volume, case complexity, duration and types of judicial sittings, and the implementation of new legislation. High-security trials continue to create special requirements.

Technology applications are improving the efficiency and effectiveness of operations through:

- enhancements to the shared criminal case tracking system (JUSTIN);
- creation and implementation of a civil case tracking system;
- electronic filing;
- the increasing use of videoconferencing;
- improvements to prisoner escort information;
- implementing digital audio recording technology; and
- implementing civil electronic filing and case processing.

Recent reforms concerning resolution of traffic disputes and municipal bylaw disputes also contribute to efficiency in processing.

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Recent reforms concerning resolution of traffic disputes and municipal bylaw disputes also contribute to efficiency in processing.

Other major initiatives that will be supported in the future include:

- planning and implementing significant facility upgrades; and
- improving and monitoring performance standards and measures.

Expenditures for Court Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	2004/05 Total Estimated	2004/05 Actual	Explanation of Variances
Operating expenditures	136,575	136,520	Court Services was essentially on budget, with a year-end expenditure variance of less than 0.1 per cent.
FTEs direct	1,288	1,288	

Legal Services

This core business area acts as the official legal advisor to the government of British Columbia and is charged with ensuring that the administration of public affairs is carried out in accordance with the law. It assists in fulfilling the Attorney General's role as set out under the *Attorney General Act*. Its clients are government ministries, the Attorney General, Cabinet, Crown corporations and public agencies. All legal services to government on civil law matters are delivered directly or through ad hoc arrangements whereby the ministry supervises retainers or contracts with outside counsel.

The Attorney General is responsible for advising government ministries on all matters of law connected with the ministries and conducts or supervises all civil litigation for or against the government within the authority or jurisdiction of the province. The Attorney General and this business area act as solicitor for the government as a whole, not for one particular ministry or agency, and address issues from a government-wide perspective. The public interest is served by ensuring that the administration of public affairs is in accordance with the law, that legal risks associated with government and ministry operations are reduced, and that government is effectively represented before courts and tribunals.

Specific responsibilities are delivered through four main divisions.

- **Solicitor Services** advises government agencies on lawful operations, risk reduction, and the negotiation and drafting of agreements.
- **Barrister Services** represents government in litigation and advises ministries on strategic approaches to litigation and alternative dispute resolution.
- **Legislative Counsel** drafts legislation and regulations.
- **Corporate Services** provides financial management, technology, personnel, facilities and administrative support services.

The Legal Services Branch is one of only two government legal service providers in Canada[4] with an annual service level agreement process that involves a joint assessment with client ministries and agencies as to the level of legal services required and the level of cost recovery for services provided. These comprehensive agreements set out financial commitments, service commitments and performance measures. Client ministries fund a substantial portion of the costs of legal services through these annual service level agreements.

Expenditures for Legal Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	2004/05 Total Estimated	2004/05 Actual	Explanation of Variances
Operating expenditures	15,004	16,590	Variance primarily due to increases in aboriginal litigation expenditures.
FTEs direct	330	336	Variance primarily due to increase in service level demands from client ministries.

Prosecution Services

This core business area undertakes the Attorney General's independent role of law officer of the Crown in relation to criminal prosecutions and contributes to public safety and public confidence in the administration of the criminal justice system through the timely, fair and effective prosecution of *Criminal Code of Canada*, *Youth Criminal Justice Act*, and provincial statute offences. Services are delivered through the Criminal Justice Branch and include:

- assessing and approving criminal charges;
- prosecuting cases;
- referring low-risk offenders to alternative measures programs;
- seeking appropriate sentence proceedings for individuals identified as high-risk offenders;
- presenting victim impact information to the court at sentencing;
- handling appeals;
- providing advice to government on all criminal law matters;
- providing appropriate responses to inquiries from the media, members of the public and those directly affected by criminal prosecutions;
- developing and implementing initiatives such as the Litigation Management System, JUSTIN/PRIME Interface and the Main Street Backlog Reduction Initiative to improve the administration of criminal justice in the province, in cooperation with justice system participants; and
- contributing to national and international legal and administrative reforms through active membership on the Heads of Prosecution — a federal/provincial organization — and the International Association of Prosecutors.

[4] The other provider is the province of Manitoba.

Prosecutorial functions and responsibilities of the Attorney General are governed by the *Crown Counsel Act* and must be carried out objectively and fairly, without regard to improper influence or interference from any source. By virtue of the adversarial nature of the criminal justice system, justice participants function in an indirect relationship with the Criminal Justice Branch. Therefore, other participants in the justice process cannot be considered as partners in the conventional sense of the word. Crown counsel make their prosecutorial decisions independently of the police and other investigative agencies, victims, witnesses, members of the public, the judiciary and the Court Services Branch of the ministry.

Victims, witnesses, the general public and justice participants (police and other investigating agencies, courts, corrections and government) benefit indirectly in many ways from these services. The charge assessment process ensures cases that are approved to court are sufficiently supported by the anticipated admissible evidence, and that prosecutions are only pursued if they are in the public interest.

The charge approval process does not always lead to a formal court case. After assessment, some cases may be referred to the Alternative Measures Program.[5] Cases that do not warrant charges are not approved to court, and some may be referred back to the police for further investigation.

This process contributes to efficiency: cases that do not meet the evidentiary or public interest criteria are not placed before the court; accused persons who can be adequately dealt with by a referral to the out-of-court Alternative Measures Program are not brought into the court system; and those accused persons who present a high risk of violence are identified early in the process. The charge assessment process can also reduce the potential for civil suits.

In responding to inquiries from the public, the role of the Criminal Justice Branch and Crown counsel is to assist the public in understanding the criminal justice process and to maintain their confidence in that process.

The Criminal Justice Branch fosters a professional culture of legal and administrative reform, through internal reform projects and leadership and participation in national and international prosecution and other justice organizations.

[5] The Alternative Measures Program diverts low-risk offenders from the traditional court system to a process that allows more personal restitution to victims and communities.

Expenditures for Prosecution Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	2004/05 Total Estimated	2004/05 Actual	Explanation of Variances
Operating expenditures	80,712	79,656	Variance primarily due to lower than average witness costs, transcript and ad hoc Crown expenditures, delays in hiring, and lower than anticipated costs relating to the Eron Mortgage trial.
FTEs direct	719	732	Variance primarily due to staffing requirements for the Air India and Pickton trials.

Justice Services

This core business area is responsible for civil, family and administrative justice policy and reforms, and provides justice services in the family law area. It works with stakeholders in the justice system including the courts, the bar, and other ministries, agencies and associations to promote access to justice services such as legal aid and dispute resolution options that emphasize affordability and accessibility. Program areas include:

- The Court Mediation Program offers free mediation for disputants in civil cases and is available in five Provincial Small Claims Court registries.
- The Notice to Mediate is available in Supreme Court and allows a disputing party to compel the other party(ies) to attend one mediation session.
- The Parenting after Separation Program is a three-hour free information session that is now mandatory at ten court registries for families in dispute. The session helps parents make informed choices about separation and conflict and take into account the best interests of their children.
- The Child Protection Mediation Program uses mediation to help families reach early resolution of child protection disputes. Mediation services are often delivered in the highly effective facilitated planning meeting style. Services are delivered by the private sector on contract.
- The Family Justice Dispute Resolution Program provides dispute resolution services to assist families undergoing separation and divorce with issues related to child custody, access, guardianship and child or spousal support.
- Maintenance Enforcement and Locate Services facilitates full payment of child and spousal maintenance by monitoring and enforcing all maintenance orders and agreements. Through these services, which are delivered by the private sector on contract, maintenance payments are calculated, received, recorded and forwarded to the recipient.
- The Administrative Justice Office promotes innovative policies, practices and procedures for the tribunals that deliver the province's administrative justice system and provides advice to the ministries that are responsible for their operation.

- Justice Services manages the funding of legal aid and, in consultation with the Legal Services Society, determines the range of services the Society will provide within the framework of a Memorandum of Understanding negotiated with the Society. Justice Services also administers funding in respect of the constitutional right to counsel cases involving publicly funded legal representation.

Offering disputants in both civil and family cases a range of out-of-court options contributes to efficiencies in the justice system by helping to reserve the resource-intensive court process for those cases that need it most. Dispute resolution options benefit disputants by allowing all parties to be engaged actively in creating enduring agreements designed to meet their needs, rather than having resolution imposed by the court. Clients of dispute resolution services can range from individuals to families, government ministries and agencies, and aboriginal treaty tables.

The administrative justice system includes more than 30 quasi-judicial tribunals responsible for impartial and independent dispute resolution. Seventeen ministries are responsible in various ways for tribunals that are used by thousands of people every year to resolve disputes, such as residential/tenancy disagreements or human rights complaints.

Many of the services, apart from legal aid, are provided by ministry employees and, to a lesser extent, through independent contractors and organizations. Volunteer boards participate in operating some programs. Below are four examples of organizations that are funded by this core business area and which deliver a range of related services to the public.

- The British Columbia Mediator Roster Society maintains a roster of civil and family mediators. Mediators included on the roster have met minimum standards of training and experience and subscribe to a code of mediation conduct. The roster provides easy access to mediators and is available to the public, litigants, lawyers and judges. Information about the Child Protection Mediation Program roster of mediators is also available through the Society.
- The British Columbia Dispute Resolution Practicum Society operates the Court Mediation Program. This program provides an opportunity for trained, but inexperienced, mediators to practice mediation in a structured practicum setting. The Court Mediation Program provides mediation services to Small Claims Court litigants to help them resolve their disputes early in the court process, before a judicial settlement conference or a trial takes place. Five registries offer this program: Vancouver, Surrey, North Vancouver, Nanaimo and Victoria.
- Justice Services funds public legal education through the Law Courts Education Society and the Public Legal Education Society (People's Law School).
- Justice Services also funds the Legal Services Society, primarily to provide legal aid services to low income British Columbians who have no other way of obtaining legal help and who meet the criteria for legal aid assistance. The funding for this Society also supports a range of other services such as legal education through publications, web resources, and a toll-free telephone hotline.

In addition, Justice Services funded a dozen different professional and community organizations in 2004/05 to deliver its Parenting after Separation program around the province.

This core business supports and assists with several shared projects and initiatives, working with:

- the Ministry of Children and Family Development and the Legal Services Society to expand the use of child protection mediation initiatives across the province;
- the Treaty Negotiations Office of the ministry to introduce dispute resolution provisions for use in Agreements in Principle and Final Agreements; and
- a Justice Review Task Force, which includes the judiciary of the Supreme and Provincial Courts, to promote civil and family justice reforms.

Expenditures for Justice Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	**2004/05 Total Estimated**	**2004/05 Actual**	**Explanation of Variances**
Operating expenditures	86,201	85,113	Variance primarily due to lower demand for exceptional case legal aid and a higher contribution from the Ministry of Human Resources for services provided by the Ministry of Attorney General.
FTEs direct	163	161	Variance primarily due to hiring delays.

Executive and Support Services

This core business area consists of the Attorney General's Office, the Deputy Attorney General's office, one branch and two other separate offices that support the ministry goals and objectives, as well as various agencies, boards and commissions.

The **Management Services Branch** provides a range of services to the Ministry of Attorney General, the Treaty Negotiations Office and the Ministry of Public Safety and Solicitor General, including:

- budget coordination and expenditure monitoring;
- revenue planning;
- accounting and financial reporting;
- payment processing;
- financial control and systems support;
- ministry-wide facilities services;
- records management and freedom of information support;
- support for procurement and for contract and risk management;
- strategic human resource services; and
- information technology solutions.

These corporate services are delivered by branch staff and contracted providers.

The **Criminal Justice Reform Office (CJRO)** was established in June 2004 to lead criminal justice reform and develop innovative solutions to criminal justice challenges.

CJRO reports directly to the Deputy Attorney General with ties to the Ministry of Public Safety and Solicitor General. It maintains working relationships with federal and provincial criminal justice system representatives, other ministries and branches, police, judiciary, other justice system partners and users and the public.

The mandate of the CJRO is to:

- develop an integrated strategy for the criminal justice system in BC;
- develop innovative operational reforms;
- lead criminal justice law reform in BC; and
- strengthen the public confidence in the criminal justice system.

CJRO has two key priorities. The first involves operational reforms to the provincial criminal justice system. This includes developing an integrated, long-term criminal justice strategy for the province to enhance collaboration, build professional expertise and ensure the most efficient use of resources. This strategy will help modernize some aspects of the justice system that may have fallen behind developments in crime trends, technology and public concerns.

The second priority is to take a strong leadership role in the Federal/Provincial/Territorial (F/P/T) law reform agenda. The CJRO has a lead role in this key mechanism for change of the criminal law. The top F/P/T priorities for British Columbia include high-risk offenders, impaired driving, sentencing, criminal procedure, cybercrime and chronic offenders.

The **Strategic Planning and Legislation Office (SPL)** is responsible for leading strategic planning and related corporate initiatives in the Ministry of Attorney General and for managing its legislative agenda. SPL also is responsible for policy in a number of areas including human rights, the electoral system, judicial compensation, the legal profession and notaries, and the legislative frameworks governing the independent agencies, boards and commissions (ABCs) that report to the Attorney General. SPL serves as the ABC's primary contact with the ministry for policy and appointment purposes.

All of these corporate and legislative services are performed by ministry staff.

Expenditures for Executive and Support Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	2004/05 Total Estimated	2004/05 Actual	Explanation of Variances
Operating expenditures	61,079	61,692	Variance primarily due to a year-end adjustment related to leave liability chargeback from the Public Service Agency.
FTEs direct	261	281	Variance primarily due to former employees on paid leave prior to retirement.

Ministry Operating Context

Many factors influence the ministry's ability to carry out its mandate and achieve its goals and objectives. Some of these factors place the ministry in a strong position to move forward and build on past successes. Others offer challenges and present opportunities to change direction or take a different approach. New and unexpected opportunities can lead to significant improvements in the way the ministry provides its services. The strengths, challenges, risks and opportunities that affected both ministry planning and its achievements in 2004/05 are summarized below.

Strengths

- As a leader in reform and innovation, the ministry has built a solid foundation of cooperation and collaboration among the judiciary, the police, the legal community and other justice partners. This foundation has strengthened the ability of all partners to administer justice programs and services in the province.
- The ministry has a progressive Human Resource Management Plan focused on leadership, human resource planning that is specific to business requirements, employee performance and development, and safety in the workplace.
- The provincewide implementation of JUSTIN, an integrated criminal justice information system, is creating significant efficiencies for justice agencies. For example, it is enabling the rapid and accurate transmission of case information which in turn supports the processing of large volumes of case activity. It is eliminating duplicate data entry and providing credible management information. It has also led to the development of an interface between police records, court records and the Protection Order Registry, which will allow automated notification of protection orders. A new interface between JUSTIN and the police records system (PRIME) will now allow for one-stop entry of case-tracking data. A case management system for civil cases has been implemented, enabling similar efficiencies and improvements in accuracy.
- Criminal court backlogs have been reduced from their peak in the late 1990s. Today there are fewer cases pending and their age in the system has decreased, reducing the likelihood of dismissal due to unreasonable delay.

- The newly established Organized Crime Unit will enable Crown counsel, federal prosecutors and police to work together more effectively in bringing organized crime cases to court.
- Installation of videoconference equipment in courts and correctional centres has improved courthouse security and reduced the need for in-person escorts. In 2004/05, more than 10,000 court appearances by persons in custody occurred by videoconference. This represented 10,000 fewer escorts required.
- The ministry leads other Canadian jurisdictions in the detailed financial analysis of the costs and operations required to provide legal advice to government. This strengthens the ministry's efficiency and accountability efforts, as well as its leadership role in justice system innovations.
- The ministry continues to enjoy one of the highest client satisfaction rates for the provision of legal services to government among comparable organizations in the country. The confidence of its clients and the strong relationships engendered by that facilitate effective management of legal issues and risks.
- The ministry has achieved notable success in recent court decisions, in the face of what might otherwise have resulted in very significant liabilities for government. Not only has this achievement reduced potential liability, but several of these cases have set precedents that will enable more effective risk and litigation management in the future.
- Acknowledged as a leader and facilitator in the use of alternatives to litigation, the ministry is actively developing and promoting out-of-court options. Resolution of civil and family disputes outside the courts is usually more cost-effective and less confrontational than in-court processes. An increasing number of citizens are taking advantage of the range of options available to resolve disputes outside of the court system, with positive results. As acceptance of dispute resolution options grows, public access to the justice system is improved.

Challenges

- Rapid globalization and technological development are affecting the context in which government operates. They are also changing the nature of crime. Technology assists the expansion of crime across national and international borders. Cyber and commercial crime is becoming a greater problem. Canada now is among the top several countries targeted by international and organized crime networks; and British Columbia, by virtue of the size and location of its main port city, offers mobility and anonymity for some newer types of serious crime such as human trafficking.
- There is a growing public demand for greater public safety, especially with regard to taking stronger action against violent crime and violent offenders. However, there does not seem to be a consensus on the best way to deal with people who have broken the law. Opinion varies from longer sentences for offenders, to more community service, to greater compensation payments for victims.
- More police officers could improve perceptions on public safety; but it could also result in greater prosecution and court costs, depending on how additional officers were deployed.

- Criminal prosecutions, especially of organized crime cases, are becoming increasingly complex and require analysis of large volumes of documents and technical evidence, greater use of expert witnesses and careful focusing of resources. As cases continue to grow in complexity, prosecution and court costs continue to increase.
- Civil litigation is becoming more complex and costly. There are an increasing number of civil cases arising from conflicting claims to the land and resource base of the province. These cases often involve complicated legal issues, substantial volumes of evidence, multiple parties, and novel issues of law and procedure. The ministry is addressing case complexity and affordability by working with the judiciary, the bar, and other justice partners to streamline and simplify procedures, and, wherever it is appropriate, to develop faster, less expensive alternatives to civil litigation.
- An increasing number of married and common-law families are undergoing separation and/or divorce. This places a greater demand on family justice resources. The growing number of clients in the family justice system and the static budget and staffing levels assigned to assist them are creating challenges to justice access. In addition, within the current environment of static resources, there are rising public demands for more customer-centered services that cost more to provide.
- Reductions in legal aid and in some other government services that had been accessible to family and civil cases have created service delivery challenges. Service providers are reporting an increase in conflict and complexity within individual cases. Parties undergoing civil or family disputes have fewer resources available to assist them, but service providers are faced with an increasing demand for services and resources.
- Traditionally, costly adjudication was seen as the primary way to resolve disputes. Acceptance of different approaches involving a variety of non-traditional options is growing, but is a gradual process that requires time.
- The ministry is facing the challenge of increasing judicial activism in the area of Charter-protected rights. Many legal experts believe that the time is right for the courts to extend legal aid entitlement beyond the sphere of criminal law to cover more types of civil law cases and to make more people eligible for publicly-funded legal representation.
- The cost of providing legal services to government continues to increase as a result of increased volume and complexity of litigation and of legal issues that involve government. This is difficult for government in a period of financial constraint.
- Workloads for ministry staff have risen significantly. For example, in the area of Court Services, new cases per full time employee have increased by 8.3 per cent in the past five years.
- With increased voluntary departures and early retirements, there is a continuing need to develop and implement training programs for less experienced staff to raise the level of proficiency and competency in registry operations and courtroom procedures.
- Faced with the pressures of an aging workforce and greater expectations on work-life balance from a younger workforce, the ministry is in competition with other agencies for new staff with demonstrated strong performance. There are time and resource challenges in expanding existing competencies, and in recruiting and retaining newer, younger staff who have significant expectations for growth, learning, professional development and a work-life balance.

Risks

- An increase in the number of large, complex cases for which publicly-funded legal representation is sought could jeopardize the ministry's ability to operate within budget.
- Legal decisions on Charter of Rights and Freedoms issues could place additional obligations on the ministry and government. For example, court decisions regarding Charter litigation as well as decisions that provide for government funding of parties who wish to litigate public interest issues against government could result in considerable costs to government to fund both sides. This kind of risk could be mitigated to some degree by appealing such decisions, by providing legal arguments that invite the courts to consider the fiscal implications of such decisions, and by working with client ministries and agencies to manage issues that could lead to litigation.
- Implementation of cost recovery can lead client ministries and agencies to avoid obtaining (and paying for) legal advice and representation in order to conserve their own resources. Taking action without appropriate legal advice could jeopardize client ministries and result in increased litigation against government. The ministry mitigates this risk through detailed service planning between the Legal Services Branch and the client ministry or agency. This approach helps client ministries and agencies plan for appropriate levels of legal services. Identifying to Treasury Board possible areas of significant risk is another mitigating strategy used by the ministry.
- The volume of aboriginal litigation has been increasing and could increase further, with mounting costs to government. The ministry works with the Treaty Negotiations Office and with other ministries and agencies to manage aboriginal issues in a way that can reduce the risk of litigation. The ministry also works to contain associated costs by effectively managing and combining internal and external resources.

Opportunities

The search for better and more efficient ways to administer justice in the province has led to significant reforms and produced many benefits. The changes below represent new directions the ministry has taken in response to recent opportunities.

- A leadership role and stronger, more compelling partnerships with federal, provincial and territorial governments regarding justice reform and innovation.
- Greater collaboration with family and civil justice partners.
- Development of a provincewide civil justice electronic information system.
- Adoption of provincial and national standards for electronic disclosure of evidence in criminal cases, which facilitates effective and efficient information exchange among police, Crown counsel and defence counsel.
- Increased use of technology, such as electronic filing of civil court documents.
- Increased use of the web for self-service to external clients and ministry staff.
- Bylaw reforms that allow municipal bylaw disputes to be resolved outside the courtroom, thereby expediting resolution and offloading some workload pressures in the courts.
- Use of videoconference technology in high security cases, thereby avoiding the costs of high security escorts and reducing security risks at court.

- Use of circuit courts to continue access to services in several communities where courthouses had to be closed in order to reduce facility overhead costs.
- Traffic reforms that permit teleconferencing and result in a streamlined and a more efficient dispute process, particularly for police.
- Implementation of full cost recovery for legal services provided to government, leading to a more efficient and effective use of those services.
- Employee Performance and Development Plans (EPDPs) for all employees that encourage individual and organizational learning as well as development and performance, and align individual performance with the reform and innovation goals and objectives of the ministry.

Strategic Shifts and Significant Changes in Policy Direction

During the past year, the ministry considerably strengthened its reform efforts in all parts of the justice system. Reform and innovation became the foundation for a cultural change within the ministry, and leadership in justice system reform was adopted as a key goal. This strategic shift was incorporated into the 2005/06 – 2007/08 Service Plan. It also shaped and directed some of the ministry initiatives undertaken in 2004/05 and reported in this document.

New Era Commitments

Most of the ministry's *New Era* commitments have been completed and reported in other documents. Only one of the commitments remains, and its completion is pending further action on electoral reform. The ongoing commitments shown below have no fixed end dates and will continue indefinitely because they are integral to the ministry mandate.

Pending Commitment	Progress Update
Amend the recall and initiative legislation and make it more workable for British Columbians to hold MLAs more accountable and initiate referendums on issues of provincewide concern.	Amendments to this legislation have been deferred pending any further action on electoral reform. Any change to the province's electoral system would affect the process for recall and initiative.
Ongoing Commitments	**Progress Update**
Stand up for the equality of all Canadians and all provinces under the Canadian Constitution.	The province is pressing the federal government to ensure that no jurisdiction bears an unfair burden under the implementation of the Kyoto Protocol, and has aggressively pursued equitable Kyoto funding arrangements under the First Ministers' Health Accord.
Ensure that all B.C. laws respect the equality rights guaranteed to all British Columbians under the Constitution.	All legislation is vetted by the Ministry of Attorney General.
Ensure all British Columbians have equal access to legal representation and justice.	The province has restructured legal services, created additional circuit courts and set up a 24-hour call centre for Justices of the Peace. As well, actions have been taken to stabilize the legal aid system and ensure legal aid is available to British Columbians who need it most.
Seek clear direction from the Supreme Court of Canada on constitutional questions about Aboriginal self-government.	The province has developed a framework for negotiating self-government arrangements consistent with the publicly endorsed referendum principles.

Report on Performance

Overview of Ministry Goals and Linkage to Government Strategic Goals

Ministry Mission
We are responsible in government for law reform, for the administration of justice and for seeing that public affairs are administered in accordance with the law.

Government Strategic Goal	Ministry Goals 2004/05
Goal 2: A Supportive Social Fabric	1. Support services provided to the courts facilitate efficient case processing.
	2. Ministries and agencies receive high-quality, cost-effective legal services that ensure they operate lawfully and manage their legal risks effectively.
	3. Prosecution of all offences is timely, fair and effective.
	4. The justice system is available, understandable and workable for individuals involved in civil, family and criminal cases.
	5. Government and corporate initiatives receive essential administrative services.

Synopsis of Ministry Results

Ministry Goals for 2004/05	Ministry Key Objectives	Projections/Measures[1]	Results
1. Support services provided to the courts facilitate efficient case processing. **Core Business Area:** Court Services.	1. Support that meets the needs of all three levels of court in B.C.	Number of sitting hours support (all courts). Number of cases processed (all courts). Integrated civil case processing system in place.	✓
	2. Adherence to ministry standards for timely processing of court documents and orders.	Percentage of accused persons released on the same day as ordered. Percentage of post-court data entered into JUSTIN within the same day as court event.	△ ✗

[1] Ministries were encouraged to make a best effort to identify broad goal-level measures in the 2004/05 Service Plan. For that reason, the Ministry of Attorney General included the following potential goal-level measures: 1) Percentage of clients satisfied that legal services support their ministry objectives; 2) Median time to disposition (a system indicator as opposed to a core business goal-specific performance measure); and 3) Number of mediations conducted.

Measure 2 is one of the three system-wide indicators reported in Appendix A of this document. The other two measures were not considered appropriate for the ministry's new goals as articulated in the 2005/06 Service Plan, and were not developed. This report focuses on performance measures that inform the objectives presented in the 2004/05 Service Plan.

Ministry Goals for 2004/05	Ministry Key Objectives	Projections/Measures	Results
2. Ministries and agencies receive high-quality, cost effective legal services that ensure they operate lawfully and manage their legal risks effectively. **Core Business Area:** Legal Services.	1. Legal services offered at competitive rates.	Cost of legal services provided by the ministry compared with the costs of legal services provided to other public agencies, to other jurisdictions by their legal service providers, and by the private sector.	Target date for baseline revised
	2. Legal services that meet the needs of client ministries.	Percentage of clients satisfied with the Service Level Agreement process.	Measure revised
	3. Greater awareness and management of legal risks and potential liability costs to government.	Percentage of client ministries and agencies that engage with Legal Services Branch in legal risk management initiatives or major litigation management programs. Percentage of civil litigation cases (to which government is a party) where alternate dispute resolution was proposed.	Measure revised
3. Prosecution of all offences is timely, fair and effective. **Core Business Area:** Prosecution Services.	1. Timely charge assessment where there is: police process and no police process.	Elapsed time to conduct charge assessment where police have issued process and not issued process.	✓
	2. A fair and effective charge assessment process.	Proportion of accused persons who were approved to court by Crown counsel.	✓
	3. Timely conduct of prosecutions.	Elapsed time to provide disclosure and initial sentencing position.	Measure replaced
	4. Fair and effective conduct of prosecutions.	Measures under development.	Measure TBD
4. The justice system is available, understandable and workable for individuals involved in civil, family and criminal cases. **Core Business Area:** Justice Services.	1. Increased proportion of disputes resolved through out-of-court alternatives.	Rate of child support payments received through enforcement. Percentage of small claims disputes settled after referral to Court Mediation Program.	✓✓ △
	2. High satisfaction with out-of-court dispute resolution options.	Mean rate of satisfaction with mediation in all sites offering Court Mediation Program. Satisfaction rates for Family Maintenance Enforcement Program, Parenting after Separation.	✓✓ ✓
5. Government and corporate initiatives receive essential administrative services. **Core Business Area:** Executive and Support Services.	1. Key justice initiatives supported and expedited.	Achievement of key milestones in support of the Citizens' Assembly on Electoral Reform.	✓
	2. Integrated corporate performance and accountability mechanisms consistent with government directions.	Completion of key Enterprise Risk Management deliverables.	Internal responsibility change Measure revised

✓✓ Exceeded target. ✓ Achieved target. △ Target mostly achieved. × Missed target.

Goal 1: Support services provided to the courts facilitate efficient case processing

Outcome: *Services related to registry and trial support, as well as to security and escorts, that enable efficient case processing*

Efficient support services aid the flow of cases through the courts. Without the assistance of registry clerks, trial schedulers, and security staff among others, cases cannot proceed in a timely fashion, and justice may be compromised. Efficient and appropriate support services help ensure that courts remain accessible and secure to all who need them and that citizens have confidence in the way courts are operated.

Core Business: Court Services

Objective 1.1: ***Support that meets the needs of all three levels of court in British Columbia***

Each level of court assigns sitting time for its judges and other judicial officers. The number of judges and their assigned sitting time significantly defines the capacity of the court system. Court Services is required to support all judicial sittings and associated case processing activities with registry services, trial support, security, escort of persons in custody, and various forms of administration associated with each of these types of services. Adequate support services help ensure that court can proceed efficiently.

Key Strategies

1. ***Provide staff with appropriate training, policies, and business processes.*** *This strategy ensures staff have the knowledge and training to optimize court operations and provide consistent service to all court users.*
2. ***Implement and enhance technology applications that support business and court processes.*** *Enhanced technology applications modernize and streamline court processes, standardize service delivery, create efficiencies and help make court information readily available to all court users.*
3. ***Maintain high standards of security.*** *Court facilities must be secure and people using and working in courtrooms must feel safe. High security standards and ongoing threat and risk assessments ensure free and open access to the courts.*

Measure 1.1.1: Number of sitting hours supported (all courts)

The number of sitting hours for all courts is generally accepted as a measure of court activity. Sitting hours are projected and then verified at year end. Court sitting time is dependent on judicial scheduling and is influenced by judge availability, retirements and illness; the need for hearings; case collapse rates; and many other factors. For these reasons, variation in projected sitting hours from year to year is normal and expected.

Measure 1.1.1	2002/03 Actual	2003/04 Actual	2004/05 Target (Projection)	2004/05 Actual
Number of sitting hours supported (all courts)	183,100	175,000	180,000	162,700 ▶ **Projection Met**
Results Interpretation: Each year the ministry estimates sitting hours in all courts for the coming year and allocates resources to cover that estimate. Such projections are not targets. When the actual number of sitting hours is lower than the estimate, fewer resources are utilized and savings are achieved. Resource utilization that is lower than anticipated is a positive result, not a negative one.				
Variance Implications: Most of the decline in sitting hours for 2004/05 was due to a reduction in Supreme Court criminal and civil sittings and in Provincial Court traffic sittings. An increasing number of traffic disputes are being resolved out of court.				
Data Considerations: Data are collected daily as part of operational case processing and reside on two highly reliable, integrated case-tracking systems (JUSTIN and CEIS) used throughout the province for criminal and civil cases respectively. Results are compiled by electronic extraction from an operational database. The ministry is confident that the data used to calculate results are reliable and accurate.				

Measure 1.1.2: Number of cases processed (new filings, all courts)

The number of newly filed cases is a generally accepted measure of court activity and the level of support required by all courts. Projections anticipate required levels of support, but can vary depending on a number of external factors as well as on intentional process reforms. This measure is used to validate whether reform initiatives within the ministry are changing the volumes and composition of cases that come to court.

Measure 1.1.2	2002/03 Actual	2003/04 Actual	2004/05 Target (Projection)	2004/05 Actual
Number of cases processed (new filings, all courts)	350,300	312,300	318,000	298,100 ▶ **Projection Met**

Results Interpretation:

Each year, the ministry must estimate the number of new cases that might require court resources in the following year. Such projections are not targets. The ministry cannot predict the exact number of cases that will enter the court system. The results for 2004/05 are consistent with normal variation and indicate that the number of new filings did not exceed the projection, which would have required more court resources. An actual result that is lower than the projection is a positive finding; it represents savings and is consistent with the ministry's reform initiatives.

Variance Implications:

New filings have been declining for three years, largely because of justice system reforms involving out-of-court procedures for some traffic and municipal bylaw disputes and for some youth and family court cases.

Data Considerations:

Data are collected daily as part of operational case processing and reside on two highly reliable, integrated case-tracking systems (JUSTIN and CEIS) used throughout the province for criminal and civil cases respectively. Results are compiled by electronic extraction from an operational database. The ministry is confident that the data used to calculate results are reliable and accurate.

Measure 1.1.3: Integrated civil case processing system in place

The Civil Electronic Information System (CEIS) is a provincewide system and centralized database that supports civil case management. CEIS includes case tracking for all Provincial Family and Small Claims and Supreme Civil courts record information. Full implementation of CEIS has allowed the introduction of standardized business practices and has improved case-processing efficiency and the integrity of civil case data. CEIS also provides an electronic data repository to support the e-search component of Court Services Online. Implementation of this system makes British Columbia a leader in the field of electronic court registries.

Measure 1.1.3	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Integrated civil case processing system in place	New system; not applicable	New system; not applicable	By summer of 2004, operate in 43 civil locations	Fully operational in all civil court locations as of May 2004 ▶ **Target Met**
Results Interpretation: The timeline for full provincial implementation has been met. CEIS now tracks 100 per cent of civil case management.				
Data Considerations: Transactions in CEIS are tracked at the database level by user account. Data extracts are conducted as required. The ministry is confident that the data used to calculate all results are reliable and accurate.				

Objective 1.2: *Adherence to ministry standards for timely processing of court documents and orders*

Meaningful performance standards help ensure that court documents and orders are processed consistently, accurately and efficiently. Performance measures reported against established standards support managed outcomes and assist resource alignment. Selecting standards that are realistic and within the ministry's direct control is sometimes challenging due to issues of relative significance, measurability and variability. Standards can serve as proxy reference points for performance, as shown by the measures and targets below.

Key Strategy

1. ***In conjunction with the judiciary and other agencies, develop performance standards and measures [for timely document processing].*** *Meaningful standards and measures are critical in determining and evaluating effective and efficient management. As one aspect of this strategy, the ministry is developing a Public Accountability Framework.*

Measure 1.2.1: Percentage of accused persons released on the same day as ordered

Same day release of persons in custody who have been ordered released indicates level of compliance with judicial orders.

Measure 1.2.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Percentage of accused persons released on the same day as ordered	Measure not used	New measure; baseline and targets developed	100%	Surveys and occurrence reports indicate results that are close to 100 per cent. Complete and verified data will not be available until April 2006, pending completion of a custody management system **▶ Target Largely Met**

Results Interpretation:

This measure and the technology to inform it are still in development, although surveys and occurrence reports show that the target of 100 per cent has been largely met.

Data Considerations:

The ministry is currently testing and refining a system for managing custody. When fully implemented by April 2006, this provincewide sheriff custody management system will track prisoner release details and provide the data needed to inform this measure. As well, the occurrence reporting system that tracks unlawful detentions will be used to corroborate future data for this measure.

Measure 1.2.2: Percentage of post-court data entered into JUSTIN within the same day as court event

Automated production of post-court documents and orders is dependent on timely entry of court results into JUSTIN. Same-day entry of court results enables documents to be produced on the court date. Reaching a target of 95 per cent would indicate that case and court document processing is efficient and timely, with few cases failing to achieve ministry standards. Delays in entering post-court data may effect scheduling of subsequent court appearances; document production; case tracking; and the ability to share case information with other justice system participants. The measure is calculated by dividing the number of event outcomes recorded within a day by the number of all events.

Measure 1.2.2	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Percentage of post-court data entered into JUSTIN within the same day as court event	79%	83%	95%	85% ▶ **Target Not Met**
Results Interpretation: The ministry has not yet reached its target of 95 per cent of post-court data entered into JUSTIN within the same day as the court event. However, there has been significant movement toward this target over the past three years.				
Variance Implications: The ministry is examining factors that may affect timely data entry such as: • a larger than anticipated volume of cases on a given day; • fewer data entry staff than were anticipated; • length of appearances, which affects when the case data leave the courtroom; • amount of data to capture per case; • time for the Court Clerk to check the Record of Proceedings; • other priorities competing for data entry staff time; or • problems with data entry or with reading information on the Record of Proceedings.				
Data Considerations: Data are entered into the JUSTIN automated case tracking system after court, from written information recorded on the Record of Proceedings in the courtroom. Measurement data are compiled by electronic extraction from this operational database. The ministry is reasonably confident that the data are reliable and accurate, although results may vary between court locations and over time at any location.				

Goal 2: Ministries and agencies receive high-quality, cost-effective legal services that ensure they operate lawfully and manage their legal risks effectively

Outcome: *Legal services that ensure the administration of public affairs is in accordance with the law, and which help ministries and agencies fulfill their legal responsibilities*

The ministry supports the Attorney General, who, as the legal advisor to government, must ensure that the administration of public affairs is in accordance with the law. The ministry fulfills this mandate by providing legal advice to ministries, agencies and Cabinet, and by representing the government in court and before administrative tribunals.

The ministry offers its legal services according to a cost-recovery model that requires client ministries and agencies to bear the costs of a large portion of the legal services that are provided to them by the ministry. Annual service level agreements with each client ministry or agency establish specific terms of reference for service levels and payment. A cost-recovery model can encourage client ministries and agencies to plan carefully with the ministry, define their anticipated legal needs judiciously, and use resources efficiently.

However, in some circumstances, the cost-recovery model could also serve as a disincentive to ministries and agencies to fund their requirements sufficiently. Insufficient funding could, in turn, lead to increased legal risk and be incompatible with the goals of effective legal risk management.

To help avoid this situation, careful planning with the client ministry through the service level agreement process is undertaken on an annual basis. As part of its commitment to that process, it is essential for the ministry to offer high-quality legal services that meet client needs at reasonable rates.

Core Business: Legal Services

Objective 2.1: *Legal services offered at competitive rates*

The Legal Services Branch assesses the most effective method of acquiring the legal services that government requires. In most cases, in-house counsel, through a combination of depth of knowledge and expertise on public law matters and the operation of government, and competitive costs, offer the highest quality and most cost-effective advice and representation. In situations where services are of a more routine nature or are geographically distributed (such as family law), contracted services are used.

The Legal Services Branch is at the forefront of government law departments in Canada in its detailed financial analysis of its costs and operations as compared with other jurisdictions. However, while the branch can measure the overall cost of service, it is difficult to ensure that the data obtained from other jurisdictions have been collected and measured in a way that makes comparison meaningful.

Key Strategies

1. ***Continue development of operational model to establish best balance of internal and external services.*** *This strategy is intended to clarify the process for retaining external legal services and to assess the costs and efficiencies of using internal vs external legal services.*

2. ***Continue work on business practices to increase operational efficiencies.*** *In order to provide legal services at competitive rates, the ministry continually looks for opportunities to increase operational efficiencies. This includes new technology, business practices, practice management, and litigation management tools.*

Measure 2.1.1: Cost of legal services provided by the ministry compared with the costs of legal services provided to other public agencies and to other jurisdictions by their legal service providers and by the private sector.

A comparison of the costs of legal services allows the ministry to monitor and demonstrate cost effectiveness. This measure compares the known costs of providing legal services to government with the costs incurred by other legal service providers in other jurisdictions and by the private sector.

Measure 2.1.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Cost of legal services provided by the ministry compared with the costs of legal services provided: • **to other public agencies and to other jurisdictions by their legal service providers** • **by the private sector**	Not available	Not available	Establish baseline data	Baseline data still in development **▶ Target Revised**
Results Interpretation: Methodology and benchmarks for comparing costs of legal services with other jurisdictions are still in development. The methodology for comparing costs of legal services is targeted for completion by December 2005. Comparisons and benchmarks will be developed by March 2006. To date, the ministry has reviewed data regarding private sector rates and is currently determining whether available private sector data provide a realistic and fair comparison of rates and costs. Because very few public sector jurisdictions operate on a cost recovery basis, comparable data for comparison are hard to find. While the ministry can measure its own overall service costs, it cannot ensure that data from other jurisdictions are being collected and measured in a way that makes comparisons valid.				

Objective 2.2: *Legal services that meet the needs of client ministries*

The ministry conducts an annual service level agreement process that includes 1) a joint assessment with the client ministry or agency as to the level of legal services required, and 2) development of a comprehensive agreement that sets out financial commitments, service commitments, and performance measures.

Certainty around legal services requirements and the ability to adapt them to constantly changing needs and demands is critical to achieving this objective.

Key Strategies

1. ***Maintain a consistent methodology for the annual review of legal services requirements and potential new demands.*** *Client ministries fund a substantial portion of the costs of legal services provided by the Ministry of Attorney General. Through the service level agreement process, the ministry has an opportunity to manage resources efficiently, to build effective and efficient partnerships with its clients, to have a better understanding of client needs and priorities, and to have a broader view of the issues around a particular area of practice.*
2. ***Generate monthly or quarterly reports on utilization of services.*** *The ministry provides monthly and/or quarterly reports on the utilization of services on specific files to its client ministries. The reports contain case by case information showing details on the hours*

of service provided as well as cost information for disbursements such as travel costs, transcripts and ad hoc counsel costs. Such reports help client ministries manage their legal service needs and resources.

3. ***Continue to report management information to both client and branch managers.*** *The ministry issues separate reports to client ministries when requested. These reports compare total costs charged to the client with the service level agreement estimates.*

Measure 2.2.1: Percentage of clients satisfied with the service level agreement process

Client satisfaction with services provided and associated costs is an important measure of the effectiveness of the service level agreement process.

Measure 2.2.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Percentage of clients satisfied with the service level agreement process	Measure not used	57%	Establish 3-year targets	Service level agreement process to be reviewed and targets set subsequent to review. **▶ Target Revised**
Results Interpretation: The ministry determined that a review of the service level agreement process, to be conducted in 2005/06, is an essential first step in setting satisfaction targets.				

Objective 2.3: ***Greater awareness and management of legal risks and potential liability costs to government***

Anticipating, reducing and managing legal risk is an important part of the ministry's responsibility for stewardship and sound management of public resources.

Legal risk management and litigation risk management may take different forms depending upon the ministry or agency involved. Some larger ministries that deal with a number of significant legal issues already have established units whose responsibilities include monitoring legal issues and litigation, and liaising with the Legal Services Branch.

Legal risk management requires regular engagement between Legal Services Branch and client ministries or agencies to ensure systematic consideration of anticipated legal risks rather than merely reacting to issues as they arise. This would include systematic consideration of the use of alternate dispute resolution and of litigation results to avoid or reduce future exposure (post-mortem analysis, lessons learned). This can be a challenge when the attention of both senior officials in ministries and agencies and Legal Services personnel is regularly diverted to "reactive" issue management and advice and representation to support it.

Key Strategies

1. ***Ensure sufficient resources in Legal Services Branch to support legal risk management, and provide proactive advice.*** *Through the service level agreement process, the Ministry of Attorney General negotiates resources required to address the known and anticipated legal risks of its client ministries.*
2. ***Identify, anticipate and manage legal risks in a structured way through existing ministry and agency mechanisms.*** *The service level agreement is one mechanism for anticipating and managing legal risks. The Legal Services Branch also reports to Deputy Minister Committees on legal issues and risks that have strategic significance to government.*
3. ***Engage ministries in systematic reviews of the results of litigation.*** *The ministry reviews litigation cases with its clients in order to provide guidance on the significance of the case and the impact on future activities and strategies.*
4. ***Review existing litigation files to ensure comprehensive and complete information on the current use of dispute resolution techniques in litigation.*** *The ministry's civil litigation staff work closely with the Dispute Resolution Office to track cases that are referred to mediation or settlement. The civil litigation staff use alternate dispute resolution where appropriate to balance the management of risks and costs with the strategic importance of an individual case.*
5. ***Continue to work with the Dispute Resolution Office to develop issue management that includes regular and systematic consideration of alternate dispute resolution opportunities as part of the management of legal issues both prior to, and in, litigation.*** *This strategy complements Strategy 4 above and furthers the work of the ministry's civil litigation staff with the Dispute Resolution Office.*

Measure 2.3.1: Percentage of client ministries and agencies that engage with Legal Services Branch in legal risk management initiatives or major litigation management programs

This measure monitors the number of ministries that engage with the ministry's Legal Service Branch in specific risk management initiatives. The assumption is that the higher the percentage, the greater the awareness of legal risks and potential liability costs to government.

Measure 2.3.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Percentage of client ministries and agencies that engage with Legal Services Branch in legal risk management initiatives or major litigation management programs	Measure not used	Project established	Establish 3-year targets	Project is still in development and targets have not yet been established. **▶ Target Revised**

Results Interpretation:

This project has been delayed. The ministry has continued to review the results of litigation with client ministries as required. It has also established a strategic risk management initiative with one of its client ministries and continues to report to Deputy Minister Committees on areas that require legal risk management. The Legal Services Branch will continue to build on this work and has identified specific targets for developing a risk management approach in its branch business plan.

Measure 2.3.2: Percentage of civil litigation cases (to which government is a party) where alternate dispute resolution was proposed

In appropriate cases, alternate dispute resolution can be an effective means of managing legal risk. This measure originally tracked the number of civil litigation cases the Legal Services Branch took to mediation. However it is difficult to measure mediation as a percentage of cases because many trials and hearings may use mediation as an interim step along the way. As well, the Legal Services Branch engages in much activity that leads to resolution in the form of a settlement. Some settlements involve mediation, but many of them involve other forms of dispute resolution.

For those reasons, this measure was restated in a subsequent Service Plan and now focuses on how often alternative dispute resolution is considered. Legal Services Branch will ensure that for every civil litigation case, the options for dispute resolution, whether mediation or settlement, are canvassed, and that counsel makes a recommendation on that case, balancing risks with strategic significance.

Measure 2.3.2	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Percentage of civil litigation cases (to which government is a party) where alternate dispute resolution was proposed	Measure not used	Measure not used	Baseline data determined	Combined, there were 137 mediations, settlements and mediated settlements in 2004/05 and 85 trials and hearings. **▶ Measure and Targets Revised**

Goal 3: Prosecution of all offences is timely, fair and effective

Outcome: *Prosecutions that are consistent with, or which surpass performance targets for timeliness*

Timely prosecution contributes to fair and effective processing of criminal matters. This goal helps foster public confidence in the integrity and effectiveness of the justice system.

If the processing of criminal matters is not done within a reasonable period of time, the charges against the accused may be dismissed by the courts, without an adjudication on the merits of the case.

Persons accused of committing a crime should be brought before justice as expeditiously, fairly, and effectively as possible for a number of reasons.

- At trial, the evidence is more complete and accurate if the trial is closer in time to the events it concerns.
- Delay in getting to trial may make it more difficult for the accused to obtain and present defence evidence.
- Minimizing pre-trial detention or bail supervision contributes to fairness as an accused person is presumed to be innocent, until proven guilty.
- Minimizing the length of bail supervision or pre-trial detention contributes to the effective use of resources.
- Sentences are more meaningful if imposed closer in time to the offending behaviour, especially for young offenders.

Witnesses, victims and their families suffer increased distress and disruption of their lives until the matter is concluded. Timely processing of criminal matters allows victims and witnesses to begin the process of bringing closure to the matter.

Core Business: Prosecution Services

Objective 3.1: ***Timely charge assessment where there is:***

- ***police process***
- ***no police process***

In British Columbia, the prosecution of offences has two distinct phases: Crown charge assessment and conduct of the prosecution. Objective 3.1 addresses the timeliness of the first phase — charge assessment — under two different circumstances: with, and without, police process. These two circumstances are explained under Measure 3.1.1.

Key Strategy for Objectives 3.1 and 3.2

1. ***Conduct early pre-charge screening following receipt of the investigative report (Report to Crown Counsel).*** *If charge assessments are conducted early:*
   - *victims can be contacted and given the opportunity to provide information on the impact of the offence on them;*
   - *disclosure of information about the Crown's case and initial sentence position can then be provided to the accused (or defence counsel), giving the accused and counsel more time to decide their course of action before the first court appearance. Consequently, the first appearance can become a meaningful event, thereby avoiding an adjournment;*
   - *if any further police investigation is required, the additional investigation can be conducted early making the first appearance a more meaningful event and avoiding an adjournment;*
   - *if the police have not given the accused a court date, the earlier a charge is approved, the sooner a summons (or warrant) can be issued by a Judicial Justice of the Peace and the sooner the court process can commence; and*
   - *if the charge assessment is not completed early, the provision of information cannot be completed in time for the defence to be prepared to commit to a course of action by the first court date and it will have to be adjourned.*

Measure 3.1.1: Elapsed time to conduct charge assessment where police have issued process and not issued process

This measure is intended to reflect the timeliness of decisions made by Crown counsel.

The first part of this measure refers to a process whereby the police have released the accused and have served the accused with a document that requires the accused to attend court on a specified first appearance date. Crown counsel conduct the charge assessment within a set number of days after receiving the investigative report (Report to Crown Counsel).

The second part of the measure refers to a situation in which a first court appearance date has not been set by police. Crown counsel conduct a pre-charge screening within a specified period of time after receiving the investigative report (Report to Crown Counsel).

Measure 3.1.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Elapsed time to conduct charge assessment where police have: • **issued process** • **not issued process**	To be developed	To be developed	To be developed	Baseline now being established. **▶ Target Met**
Results Interpretation: The following development milestones were achieved: • Available data tested for reliability, May 2004. • Changes made to JUSTIN to populate a required date field. • Data entry errors were eliminated. • Data tested. Ministry considered data valid. Tracking of measure was begun in order to acquire a baseline on which future targets can be set.				

Objective 3.2: *A fair and effective charge assessment process*

Fairness and effectiveness can be maintained by proceeding to court with only those cases that should go to court, seeking alternate solutions where appropriate and screening out charges that should not be seen by the court.

Measure 3.2.1: Proportion of accused persons who were approved to court by Crown counsel

This measure represents the proportion of the total number of individuals who were the subject of police reports received by Crown counsel for charge assessment (i.e., accused persons) against whom Crown counsel approved one or more charges (i.e., accused approved to court).

Measure 3.2.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Proportion of accused persons who were approved to court by Crown counsel	83%	83%	83%	86% ▶ **Historical Constant Maintained**

Results Interpretation:

The 2004/05 projection is not a true target, but rather a historical constant. The slight increase in the 2004/05 actual is ***not*** the result of a plan to increase the proportion of accused persons approved to court by 3 per cent. Any attempt by Crown counsel to reach a target when making a charge assessment decision would defeat the fairness aspect of Objective 3.2. Fairness and effectiveness are met by proceeding to court with only those cases that are considered appropriate for court. Other decisions are made regarding cases that should not proceed to court.

Crown counsel conduct pre-charge screening based on two criteria: first, whether there is sufficient evidence to support a prosecution; second, whether prosecution is in the public interest. Historically, 83 per cent of all accused persons have charges that are approved to court for adjudication. Nine per cent are not charged. Four per cent are referred for an assessment of their suitability for an Alternative Measures Program. Three per cent are returned to police for further investigation. One per cent receive caution letters.

Variance Implications:

This variance from the historical constant was caused by a change in legislation and by a change in police responsibilities consistent with the provisions of the new *Youth Criminal Justice Act (YCJA)*. In April 2003, the federal government replaced the *Young Offenders Act* with the *YCJA*. The new act encouraged police to, where appropriate, refer young persons to diversion programs instead of providing a Report to Crown Counsel.

Under the former act, Crown would have referred the young person to Alternative Measures. In 2004/05, there were 30 per cent fewer youth referred to Crown counsel for charge assessment, which changed the proportion of persons approved to court.

The proportion of adults approved to court has remained relatively constant at 85.5 per cent with a variance of plus or minus 1 per cent from year to year. The 2004/05 actual reflects a greater proportion of adults in the population that is approved to court.

Data Considerations:

This measure is taken from the JUSTIN database. Data integrity is enforced through internal business rules and checks. All matters where Crown counsel make the charge assessment decision are included and associated to the date the charge assessment decision was made. Matters that were approved on weekends by police are excluded. The ministry is confident that the data used to calculate the result are reliable and accurate.

Objective 3.3: *Timely conduct of prosecutions*

Timeliness, in part, is reflected by Crown's prompt provision of the disclosure documents and the initial sentencing position to the accused person (or to their defence counsel), which enables the accused to prepare their defence and make the court appearances meaningful.

When disclosure and the Crown's initial sentencing position are provided promptly, the accused can make early and informed decisions such as whether to:

- retain counsel;
- dispute the charges;
- plead guilty; and
- dispute or accept the Crown's position on sentence.

Key Strategy

Contribute to the timeliness of prosecuting criminal matters by promptly providing disclosure documents and the initial sentencing position. *This strategy is one of many that Crown counsel use to ensure prompt and fair procedures prior to a court appearance.*

Measure 3.3.1: Elapsed time to provide disclosure and initial sentencing position

After considerable research, this measure was abandoned, and work continues on finding a better measure. Initially, elapsed time was identified as one possible method of measuring timeliness of prosecutions. At the time the measure was chosen to inform Objective 3.3, the necessary information was not available in the JUSTIN database, and it was not known to what extent the database would have to be modified to capture the data. With this measure, the ministry had hoped to capture multiple functions that Crown performs on a routine basis with regard to timely prosecutions, such as:

- Crown review of file material to determine relevant and appropriate disclosure;
- preparation of a disclosure package for the accused or counsel prior to first appearance; and
- immediate review and disclosure of new information to the accused or counsel, when appropriate.

During 2004/05, it was confirmed that there is no module available in JUSTIN that would easily lend itself to the required modification.

Objective 3.4: *Fair and effective conduct of prosecutions*

No measures for this objective had been identified in the 2004/05 Service Plan. The ministry expects to begin tracking two fairness measures in 2005/06: 1) the number of successful malicious prosecution lawsuits against the Crown; and 2) the number of successful wrongful conviction lawsuits against the Crown. The target for both will be zero.

Fairness and effectiveness are closely connected. They involve a balance that reflects the interests of the accused, the witnesses, victims and the public. For example, Crown counsel provide information about the case and the Crown's position and assist unrepresented accused persons. As well, Crown counsel respond to the requests of victims for information, appropriate input and for court orders that protect their safety and privacy.

Measuring fairness is a challenge facing every justice system. Many jurisdictions, including British Columbia, are working to resolve the complexities of measuring this concept. The ministry is assessing possible changes to the JUSTIN database to measure effectiveness.

Key Strategy

Contribute to fair and effective prosecutions through efforts to:

- ***reduce unnecessary distress, cost and inconvenience to witnesses, victims and their families;***
- ***balance the interests of the accused, the witnesses, victims and the public;***
- ***monitor any developments in the available evidence and ensure that if the case no longer meets the charge assessment criteria, the Crown will stay the proceedings;***
- ***disclose new material to the accused when received by Crown counsel, including victim impact information; and***
- ***ensure that Crown prosecutorial discretion is guided by principles consistently applied throughout the province.***

Goal 4: The justice system is available, understandable and workable for individuals involved in civil, family and criminal cases

Outcome: *A justice system in which litigants have access to innovative dispute resolution systems and to services and processes that assist them in reaching fair, workable and enduring resolutions to justice-related disputes*

The ministry is committed to a justice system that offers innovative services and processes to help litigants reach fair, practical and lasting dispute resolutions. Through its Justice Services Branch, the ministry delivers a broad range of services related to many different types of disputes and dispute resolution systems.

Core Business: Justice Services

Objective 4.1: ***Increased proportion of disputes resolved through out-of-court alternatives***

Out-of-court dispute resolution options can provide less costly, more expedient and less complex alternatives for a wide variety of cases, thereby contributing to a more available and workable justice system. An increasing number of disputes that are resolved out of court can promote public acceptance of dispute resolution options and build public confidence that such alternatives are fair and equitable. Specific alternatives are discussed below under Key Strategies.

Key Strategies

1. ***Expand the number of communities served by the Family Justice Services Division's Supervised Access and Access Exchange Program.*** *An available and workable family*

justice system includes key services for individuals involved in family cases. Expanding the number of communities served by the Supervised Access and Access Exchange Program ensures this important service is more widely available to families. When access issues are safely addressed, many family issues can be resolved, reducing the number of contested court applications for child custody and access.

This program provides time-limited free access services to high conflict families in cases where there has been a lengthy absence of contact or where there have been concerns about violence or alcohol abuse and drug abuse. Providing supervised access and access exchange services is a part of the Division's strategy for addressing family law disputes outside of the court process.

2. ***Provide the Family Justice Registry (Rule 5) and Comprehensive Child Support Services programs in certain locations across the province.*** *Promoting dispute resolution options such as mediation for appropriate cases supports a more available and workable justice system. Families have an opportunity to resolve disputes through a collaborative and understandable process. Providing information to families about their options for resolving disputes and providing dispute resolution services results in fewer cases proceeding to court.*

   In designated family justice registries, Family Justice Counsellors who are certified family mediators provide an array of services: cases assessment; information and referral to family justice and dispute resolution services; and case management support to parties prior to a first appearance before a Provincial Court judge. Family Justice Counsellors offer dispute resolution services to families of modest means with issues about child custody, access, guardianship and support.

   In the Comprehensive Child Support Service, a Child Support Officer assists parents to understand and negotiate child support payments. Parents are also referred to other family justice services. Resolving child support disputes through information and negotiation can reduce the number of contested cases that proceed to court.

3. ***Implement the Comprehensive Child Support Services Program in two additional sites.*** *Expanding the number of Comprehensive Child Support Services Program makes this service more available to families throughout the province. It enhances the range of services available at each designated family justice registry.*

4. ***Work with the Ministry for Children and Family Development and the Legal Services Society to expand the use of child protection mediation across the province.*** *An available and workable family justice system is one in which child protection disputes are resolved as quickly as possible. Experience in British Columbia suggests that decisions about children are made more quickly when cases are referred to mediation rather than to court and that people are highly satisfied with the mediation process.*

   Expanding the use of mediation in child protection matters provincewide promotes more timely resolution of these disputes and results in fewer contested cases proceeding to court. The Ministry of Children and Family Development and the Dispute Resolution Office (DRO), Justice Services Branch have collaboratively implemented a Child Protection Mediation Program with a roster of qualified mediators. With funding and other support from the Legal Services Society, it is possible to implement projects in each region of the province that will support greater use of mediation to resolve child protection matters.

To this end, the DRO provides child protection mediation policy and implementation advice; designs and offers information and education events; recruits qualified mediators; and administers the Child Protection Mediation Program.

5. ***Support treaty tables in the development of dispute resolution provisions for future treaties.*** *As the provincial government and First Nations reach Final Agreements and Agreements in Principle with respect to governance, resource sharing, and other issues, the parties are considering how disputes that may arise out of the provisions of these agreements will be resolved without relying on the courts. The Dispute Resolution Office (DRO) of the Justice Services Branch has been providing advice about the draft dispute resolution portions of Final Agreements and Agreements In Principle. Including dispute resolution processes will make these agreements operate more effectively. When a dispute arises, the parties can move quickly towards resolution using an agreed upon continuum of proportionate dispute resolution options.*

   The DRO reviews amendments to existing processes as well as language proposed for new dispute resolution processes. It assists with internal consultation between provincial government agencies and First Nations and analyses the recommendations that result from these collaborative processes. Where necessary, the DRO will suggest that questions of law be referred to the Legal Services Branch of the ministry for legal advice.

Measure 4.1.1: Percentage of small claims disputes settled after referral to Court Mediation Program

This measure tracks the proportion of disputes that reach settlement following a referral to the Court Mediation Program. This proportion can also be viewed as the program settlement rate. Settled cases are defined as those that are resolved at mediation plus those that are settled after referral, but before the mediation actually begins. The latter type of case is included based on the assumption that referral to mediation stimulates the private settlement process.

Measure 4.1.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Percentage of small claims disputes settled after referral to Court Mediation Program	50%	56%	60%	52% ▶ **Target Largely Met**

Results Interpretation:

The percentage of small claims disputes settled after referral to the Court Mediation Program (CMP) declined four per cent from the previous year. Some variation in results has occurred each year since the program was implemented.

Variance Implications:

Small claims settlement rates are dependent on a number of factors, including the complexity of cases and the number of experienced mediators who provide mediation services. The decline in the settlement rate for 2004/05 may be attributed to some highly experienced mediators leaving the mediation roster to pursue other careers. As mediators new to the roster gain experience, the settlement rate is expected to increase.

A target of 60 per cent may be somewhat high. The program has not yet achieved an overall settlement rate of 60 per cent. While settlement rates for voluntary cases are above 60 per cent, settlement rates for mandatory referrals are lower, bringing the average down. There are no benchmarks available from other jurisdictions for a similar program.

Data Considerations:

The data to inform this measure are collected by the mediators who conduct the mediation sessions. All data reside in the Court Mediation Program offices located at the Vancouver Law Courts and are verified by the program director. The ministry is confident that the data used to calculate the result are reliable and accurate.

Measure 4.1.2: Rate of child support payments received through enforcement

This measure has been in use for thirteen fiscal years in British Columbia. During that time, the payment rate has risen from 61 cents on each dollar due in 1992/93 to a high of 83 cents for 2004/05. The steady increase demonstrates that child support payments can be effectively enforced through out-of-court administrative processes and that the process is a highly successful dispute resolution alternative.

Measure 4.1.2	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Rate of child support payments received through enforcement	79 cents on each dollar due	80 cents on each dollar due	78 cents on each dollar due	83 cents on each dollar due ▶ **Target Surpassed**

Results Interpretation:

The 2004/05 actual result of 83 cents received on each dollar due represents a substantial increase over the target and indicates the continued success of this out-of-court alternative. Targeted case management and enhanced client services contributed to the 2004/05 result.

Data Considerations:

Data used to inform this measure are collected by the company that is contracted by the ministry to provide maintenance enforcement services. Payments are automatically tracked against amounts due. All data are verified by the contract manager and reside with the contracted company. The ministry is confident that the data used to calculate the result are reliable and accurate.

There are no directly comparable results from other Canadian enforcement programs. Jurisdictional variations in program methodology and approach make it difficult to compare such results.

Objective 4.2: *High satisfaction with out-of-court dispute resolution options*

User satisfaction is both an objective and a measure of success for a justice system that is available, understandable and workable. To gain a greater acceptance and use of innovative dispute resolution — both inside and outside of the court system — it is preferable that the processes themselves be favourably perceived by the clients who have used them. All three measures for this objective involve satisfaction rates for specific out-of-court dispute resolution processes.

Key Strategies

1. ***Canvass clients in the Family Maintenance Enforcement Program to determine their needs. Respond with program shifts where possible, with a focus on increased client self-service opportunities.*** *The Family Maintenance Enforcement Program (FMEP) is an important service for family justice clients who would otherwise be in court seeking a resolution to disagreements about child support payments. Clients of FMEP are surveyed with respect to service areas. Where feasible, opportunities for clients to access and provide information at their convenience are developed. This includes web-based services and IVR phone services.*

2. ***Implement and monitor curriculum enhancements to the Parenting After Separation Program.*** *Parents often need information and education about the separation and divorce process to understand how they can best manage the impact of the change on their children. They may also need information about the services and dispute resolution processes that are available to them and their children. Collaborative processes such as mediation can help them to resolve disputes in a manner that is timelier, less costly and less harmful than the adversarial court process.*

   The Parenting After Separation Program (PAS) is a free, three-hour information seminar that informs parents about the impact of separation and divorce on children; how parents can best help their children during this stressful time; and about appropriate dispute resolution processes. PAS sessions are delivered by agencies on contract to the Family Justice Services Division, Justice Services Branch.

3. ***Conduct longitudinal research on the needs characteristics (demographics, case, services) of Family Justice Services Dispute Resolution clients, the type of services provided, the utility of services, and whether dispute resolution services lead to improved parent and child outcomes.*** *Through the Family Justice Services Division (FJDS) Dispute Resolution Program, clients are provided with information and options regarding the rights and responsibilities of parents with respect to matters of child custody, access,*

guardianship and support. Mediation and conciliation services are provided to appropriate families as alternatives to litigation.

4. ***Provide ongoing support to the B.C. Mediator Roster Society and Child Protection Roster, including orientation and training opportunities to maintain and improve quality of mediators.*** *In order to encourage the use of mediation to facilitate the collaborative resolution of disputes it is important that members of the public, government ministries and agencies, lawyers and judges have easy access to qualified mediators. Justice Services Branch provides ongoing support to the BC Mediator Roster Society and the Child Protection Mediation Roster in order to increase the pool of trained and experienced mediators who subscribe to a code of mediation conduct.*

   Information about qualified civil and family mediators, and members of the Child Protection Mediation Roster, is readily available from the office and website of the BC Mediator Roster Society. The number of mediators who join the BC Mediator Roster Society increases annually. At the end of the 2004/05 fiscal year, 209 mediators belonged to the roster. In order to provide parents and social workers with better access to mediators, the Child Protection Mediation Roster affiliated with the society in April 2004.

Measure 4.2.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Mean rate of satisfaction with mediation in all sites offering Court Mediation Program (Based on a scale where 1 = very dissatisfied; 5 = very satisfied)	4.2	4.2	≥ 4	4.3 **▶ Target Surpassed**
Results Interpretation: The 2004/05 actual result shows that people who have used Court Mediation Program services are highly satisfied with the process. The satisfaction rate reflects the views of all parties involved even those who might not have reached resolution of their dispute through the process.				
Data Considerations: Parties who participate in the Court Mediation Program complete a voluntary survey at the end of their mediation. Information from the survey is entered onto a database maintained by the Court Mediation Program at the Vancouver Law Courts. Data are verified by the program director. The ministry is confident that the data used to calculate the result are reliable and accurate. No benchmarks are available from other jurisdictions. There are no other programs that include cases referred voluntarily as well as by court rule or that provide mediation services and practicum opportunities.				

Measure 4.2.2	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Client satisfaction rate for the Family Maintenance Enforcement Program	None: new measure	None: new measure	Establish baseline	Baselines established Recipients satisfaction rate = 75% Payors satisfaction rate = 65% **▶ Target Met**

Results Interpretation:

Baselines were established based on past client surveys. A more recent survey result for payors showed 68 per cent were satisfied with the communications aspect of the program. When all of the survey results are analyzed, the ministry will use the information to re-evaluate targets.

Data Considerations:

Survey data for this program reside within the ministry. The ministry is confident that the data used to calculate the result are reliable and accurate.

No benchmarks are available from other jurisdictions. There are no other Canadian jurisdictions that measure client satisfaction for comparable programs in the same manner.

Measure 4.2.3	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Client satisfaction rate for Parenting after Separation (PAS) and supervised access programs	None: new measure	None: new measure	Establish baseline for PAS	Baseline established for PAS Estimated satisfaction rate = 75% **▶ Target Met**

Results Interpretation:

A satisfaction rate of 75 per cent indicates that the majority of participants are satisfied with information being provided to them regarding out-of-court options in family law disputes. The ministry will use these results, in combination with other evaluation results to review PAS curriculum material. The results may also inform contract deliverables for agencies that provide PAS sessions on behalf of the ministry.

Baseline measures for the supervised access programs are still in development, following a redesign of the service delivery structure in 2004/05. Satisfaction measures for these programs will be available by 2006/07.

Data Considerations:

Every PAS participant has an opportunity to complete a feedback form. A random sample of forms are reviewed and analyzed annually. Because the forms are voluntary, the data collected have some limitations; however, the ministry is confident that the data used to calculate the 2004/05 result are reliable and accurate.

Parent education programs in other jurisdictions indicate similar satisfaction rates.

Goal 5: Government and corporate initiatives receive essential administrative services

Outcome: *Administrative support for government and corporate initiatives that concurs with government directions and fiscal realities*

Government and corporate commitments are more likely to be achieved in accordance with expectations if they are given timely and adequate administrative support during their development and implementation. Careful administrative management during these initial phases helps to ensure that priorities are carried forward on schedule and that they adhere to government specifications.

Core Business: Executive and Support Services

Objective 5.1: ***Key justice initiatives supported and expedited***

The nature of administrative support required varies according to the initiative. Support can range from procuring suitable office space, equipment and furniture to processing board appointments and payments, to archiving files. Support can also involve developing policy and legislation, providing information technology solutions and strategic human resource services, and establishing agreements.

Key Strategies

1. ***Assist the Citizens' Assembly on Electoral Reform in carrying out its mandate.*** *This strategy ensured that the Citizens' Assembly had the means to complete its mandate in the form of administrative support regarding membership, remuneration, travel expenses, facility rentals, budget reviews and expenditure tracking.*
2. ***Implement the strategic technology solutions outlined in the ministry's Information Resource Management Plan.*** *This strategy called for timely implementation of technology initiatives to support the ministry goals and objectives.*
3. ***Develop legislation as required to implement government and ministry priorities.*** *Many government and corporate initiatives can not go forward or reach a conclusion without supporting legislation. This strategy promotes effective management of the ministry's legislative agenda.*

Measure 5.1.1: Achievement of key milestones in support of the Citizens' Assembly on Electoral Reform

Because initiatives vary widely in terms of the kind of support needed and the timelines required for development, performance measures tend to be project-specific and short-term. Therefore, this core business uses proxy (i.e., substitute) output measures to indicate performance for each objective.

Measure 5.1.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Achievement of key milestones in support of the Citizens' Assembly on Electoral Reform[1]	None: new measure	Membership confirmation processes completed January 9, 2004	Analysis of the Assembly's final report completed March 2005	Final report published December 2004. Report analysis completed March 2005. ▶ **Target Met**

Results Interpretation:

This business area enacted the following referendum question recommended by the Assembly to be included in the May 17, 2005, ballot as part of the provincial election.

Should British Columbia change to the BC-STV electoral system as recommended by the Citizens' Assembly on Electoral Reform?

A Referendum Information Office was established to provide information and help British Columbians make an informed choice about the BC-STV electoral system recommended by the Citizens' Assembly.

[1] The budget for Citizens' Assembly is outside the ministry and was included under Other Appropriations in the *2004/05 Estimates*. Citizens' Assembly had a budget of $2.6 million for 2004/05. Actual expenditures totalled $3.2 million. The additional costs to support the work of the Citizens' Assembly were covered by government's contingencies vote. The additional costs were primarily due to additional meeting expenditures and the cost of communicating the results of the Assembly. The overall cost of the Citizens' Assembly was close to $5.6 million, well within the approved two-year project total of $5.9 million.

Objective 5.2: ***Integrated corporate performance and accountability mechanisms that are consistent with government directions***

This objective supports a government-wide accountability initiative to increase transparency through standardized planning and reporting processes.

Key Strategies

1. ***Coordinate government's Enterprise Risk Management initiative in the Ministry of Public Safety and Solicitor General, the Ministry of Attorney General and the Treaty Negotiations Office.*** *Corporate risk management registries help to identify and monitor potential risks that could affect organizational performance and impede progress toward key goals.*

2. ***Communicate government guidelines for accountability processes and deliverables to all relevant internal staff.***

Measure 5.2.1: Completion of key Enterprise Risk Management (ERM) deliverables

This measure was intended to track ERM outputs for two ministries and an office.

Measure 5.2.1	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual
Completion of key Enterprise Risk Management (ERM) deliverables [for Attorney General, Treaty Negotiations Office, Public Safety and Solicitor General]	None: new measure	PHASE I: ERM charter established Training begun.	PHASE 2: Ministries' risk registers developed	Target redefined after internal reorganization and responsibility transfer. **▶ Target Redefined**
Results Interpretation: In 2004/05, the ministry's Policy, Planning and Legislation Branch, which had formerly held corporate responsibilities for two ministries, was restructured. Policy and planning responsibilities, including the responsibility for corporate risk initiatives, were allocated to respective ministries. During this time the Ministry of Attorney General developed a business plan with several branch-level components, one of which involves risk management. As the business plan is refined in 2005/06, branch-specific risk management components will be incorporated.				

Deregulation

The Ministry of Attorney General continued to streamline, consolidate and simplify as new legislation was developed in 2004/05. The ministry has made leadership in law reform and innovative justice processes a high priority. As the ministry works towards these goals and carries out its mandate, it continues to be mindful of government's commitment to regulatory reform.

Report on Resources

Each of the core business areas covered in the preceding pages corresponds to a ministry goal. The Resource Summary table below indicates expenditures and resources by core business area and by goal.

In addition to the five core businesses already discussed in this report, several other accounts are included in the table below to make the Resource Summary consistent with the Public Accounts. These accounts represent areas that are funded wholly or partially by the ministry. Three of these are separate organizations that publish their own annual reports; another area — the Judiciary — functions at arm's length from government; and the *Crown Proceeding Act* account provides for payments as a result of judgments against the government.

Resource Summary by Core Business Area and Ministry Goal

	Estimated[1]	Other Authorizations[2]	Total Estimated	Actual	Variance (Actual minus Total Estimated)[3]
Operating Expenses ($000)					
Court Services (Goal 1)					
Gross	136,035	2,322	138,357	137,642	(715)
Internal/external recoveries	(1,782)		(1,782)	(1,122)	660
Net	134,253	2,322	136,575	136,520	(55)
Legal Services (Goal 2)					
Gross	60,670		60,670	65,844	5,174
Internal/external recoveries	(45,666)		(45,666)	(49,254)	(3,588)
Net	15,004		15,004	16,590	1,586
Prosecution Services (Goal 3)					
Gross	79,672	2,760	82,432	81,528	(904)
Internal/external recoveries	(1,720)		(1,720)	(1,872)	(152)
Net	77,952	2,760	80,712	79,656	(1,056)

[1] Estimated amounts correspond to the *Estimates* as presented to the Legislative Assembly on February 17, 2004.

[2] Other Authorizations include contingencies funding for major trials (Air India, Eron Mortgage, Pickton) and for leave liability and other adjustments.

[3] Variance display convention has been changed this year to be consistent with the change introduced in public accounts. Variance is in all cases "Actual" minus "Total Estimated." If the Actual is greater, then the Variance will be displayed as a positive number.

	Estimated[1]	Other Authorizations[2]	Total Estimated	Actual	Variance (Actual minus Total Estimated)[3]
Justice Services [Goal 4]					
Gross	85,491	2,849	88,340	87,311	(1,029)
Internal/external recoveries	(2,139)		(2,139)	(2,198)	(59)
Net	83,352	2,849	86,201	85,113	(1,088)
Executive and Support Services [Goal 5]	60,188	891	61,079	61,692	613
Total Ministry Operations [Goals 1–5]					
Gross	**422,439**	**8,822**	**431,261**	**434,337**	**3,076**
Internal/external recoveries	**(51,690)**	**0**	**(51,690)**	**(54,766)**	**(3,076)**
Net	**370,749**	**8,822**	**379,571**	**379,571**	**0**
Treaty Negotiations Office[4]	28,904		28,904	26,033	(2,871)
Judiciary	51,771		51,771	51,199	(572)
Crown Proceeding Act	27,500		27,500	20,569	(6,931)
B.C. Utilities Commission[5]					
Gross	4,678		4,678	4,267	(411)
Internal/external recoveries	(4,677)		(4,677)	(4,267)	410
Net	1		1	0	(1)
Public Guardian and Trustee of B.C.[6] (special account)					
Gross	12,537		12,537	12,323	(214)
Internal/external recoveries	(2,095)		(2,095)	(1,958)	137
Net	10,442		10,442	10,365	(77)
Totals					
Gross	**548,659**	**8,822**	**557,481**	**549,573**	**(7,908)**
Internal/external recoveries	**(59,292)**	**0**	**(59,292)**	**(61,836)**	**(2,544)**
Net	**489,367**	**8,822**	**498,189**	**487,737**	**(10,452)**

[1] Estimated amounts correspond to the *Estimates* as presented to the Legislative Assembly on February 17, 2004.

[2] Other Authorizations include contingencies funding for major trials (Air India, Eron Mortgage, Pickton) and for leave liability and other adjustments.

[3] Variance display convention has been changed this year to be consistent with the change introduced in public accounts. Variance is in all cases "Actual" minus "Total Estimated." If the Actual is greater, then the Variance will be displayed as a positive number.

[4] To view an annual report for this organization, visit http://www.prov.gov.bc.ca/tno/ *

[5] To view an annual report for this organization, visit http://www.bcuc.com *

[6] To view an annual report for this organization, visit http://www.trustee.bc.ca *

* *Refer to note on page 3.*

	Estimated[1]	Other Authorizations[2]	Total Estimated	Actual	Variance (Actual minus Total Estimated)[3]
Full-time Equivalents (FTEs)					
Court Services [Goal 1]	1,288		1,288	1,288	0
Legal Services [Goal 2]	330		330	336	6
Prosecution Services [Goal 3]	719		719	732	13
Justice Services [Goal 4]	163		163	161	(2)
Executive and Support Services [Goal 5]	261		261	281	20
Total Ministry Operations [Goals 1–5]	**2,761**	**0**	**2,761**	**2,798**	**37**
Treaty Negotiations Office	88		88	102	14
Judiciary	395		395	375	(20)
Crown Proceeding Act	0		0	0	0
B.C. Utilities Commission	26		26	24	(2)
Public Guardian and Trustee of B.C. (special account	212		212	210	(2)
Total	**3,482**	**0**	**3,482**	**3,509**	**27**
Ministry Capital Expenditures (Consolidated Revenue Fund) ($000)					
Court Services [Goal 1]	4,135		4,135	3,226	(909)
Legal Services [Goal 2]	23		23	11	(12)
Prosecution Services [Goal 3]	2,255		2,255	1,040	(1,215)
Justice Services [Goal 4]	260		260	122	(138)

[1] Estimated amounts correspond to the *Estimates* as presented to the Legislative Assembly on February 17, 2004.

[2] Other Authorizations include contingencies funding for major trials (Air India, Eron Mortgage, Pickton) and for leave liability and other adjustments.

[3] Variance display convention has been changed this year to be consistent with the change introduced in public accounts. Variance is in all cases "Actual" minus "Total Estimated." If the Actual is greater, then the Variance will be displayed as a positive number.

	Estimated[1]	Other Authorizations[2]	Total Estimated	Actual	Variance (Actual minus Total Estimated)[3]
Executive and Support Services [Goal 5]	871		871	718	(153)
Total Ministry Operations [Goals 1–5]	**7,544**	**0**	**7,544**	**5,117**	**(2,427)**
Treaty Negotiations Office	331		331	2	(329)
Judiciary	402		402	575	173
Crown Proceeding Act	0		0	0	0
B.C. Utilities Commission	12		12	0	(12)
Public Guardian and Trustee of B.C. (special account)	794		794	810	16
Total	**9,083**	**0**	**9,083**	**6,504**	**(2,579)**
Capital Plan ($000)					
Refurbishment (Surrey Courthouse)	2,650		2,650	0	(2,650)
Total	**2,650**	**0**	**2,650**	**0**	**(2,650)**
Other Financing Transactions ($000)					
Executive and Support Services (Interest on Trusts and Deposits)					
Receipts	700		700	582	(118)
Disbursements	(700)		(700)	(582)	118
Net Cash Source (Requirements)	0	0	0	0	0
Treaty Negotiations Office (Treaty Settlement and Implementation Costs)					
Receipts	0		0	0	0
Disbursements	16,967		16,967	1,692	(15,275)
Net Cash Source (Requirements)	(16,967)	0	(16,967)	(1,692)	15,275

[1] Estimated amounts correspond to the *Estimates* as presented to the Legislative Assembly on February 17, 2004.

[2] Other Authorizations include contingencies funding for major trials (Air India, Eron Mortgage, Pickton) and for leave liability and other adjustments.

[3] Variance display convention has been changed this year to be consistent with the change introduced in public accounts. Variance is in all cases "Actual" minus "Total Estimated." If the Actual is greater, then the Variance will be displayed as a positive number.

	Estimated[1]	Other Authorizations[2]	Total Estimated	Actual	Variance (Actual minus Total Estimated)[3]
Total Receipts	700	0	700	582	(118)
Total Disbursements	17,667	0	17,667	2,274	(15,393)
Total Net Cash Source (Requirements)	(16,967)	0	(16,967)	(1,692)	15,275

[1] Estimated amounts correspond to the *Estimates* as presented to the Legislative Assembly on February 17, 2004.

[2] Other Authorizations include contingencies funding for major trials (Air India, Eron Mortgage, Pickton) and for leave liability and other adjustments.

[3] Variance display convention has been changed this year to be consistent with the change introduced in public accounts. Variance is in all cases "Actual" minus "Total Estimated." If the Actual is greater, then the Variance will be displayed as a positive number.

Operating Expenses — Variance Explanations

- Court Services was essentially on budget, with a year end expenditure variance of less than 0.1 per cent ($55,000).
- Legal Services variance is primarily due to increases in aboriginal litigation expenditures.
- Prosecution Services variance is primarily due to lower than average witness, transcript and ad hoc Crown expenditures, delays in hiring, and lower costs relating to the Eron Mortgage trial.
- Justice Services variance is primarily due to lower demand for exceptional case legal aid and a higher contribution from the Ministry of Human Resources for services provided by the Ministry of Attorney General.
- Executive and Support Services variance is primarily due to a year end adjustment related to the leave liability chargeback from the Public Service Agency.
- Treaty Negotiations Office variance is primarily due to McLeod Lake Band's decision not to harvest timber, reduction in payments for Nisga'a Final Agreement costs, and First Nations choosing not to proceed with previously planned economic development projects, partially offset by increased one-time resources for negotiations announced by the government in September 2004.
- Judiciary variance is primarily due to hiring delays in the Provincial Judiciary.
- *Crown Proceeding Act* variance is primarily due to unpredictable quantums and the timing of settlement decisions.
- Public Guardian and Trustee was essentially on budget with a year end expenditure variance of less than one per cent ($77,000).

Full-time Equivalents (FTEs) — Variance Explanations

- Legal Services variance is primarily due to increase in service level demands from client ministries.
- Prosecution Services variance is primarily due to staffing requirements for the Air India and Pickton major trials.

- Justice Services variance is primarily due to hiring delays.
- Executive and Support Services variance is primarily due to former employees on paid leave prior to retirement.
- Treaty Negotiations Office variance is primarily due to additional resources utilized to fast-track negotiations as announced by the government in September 2004.
- Judiciary variance is primarily due to hiring lags in the Provincial Judiciary.
- BC Utilities Commission variance is due to hiring lags.
- Public Guardian and Trustee variance is due to hiring lags.

Capital Expenditures (Consolidated Revenue Fund) — By Asset Category

- Capital expenditures of $6.504 million include $4.153 million for information systems, $1.621 million for tenant improvements, $0.403 million for vehicles, $0.176 million for specialized equipment and $0.151 million for office furniture and equipment.

Capital Expenditures (Consolidated Revenue Fund) — Variance Explanations

- Court Services variance is primarily due to the delay of some large tenant improvement projects in conjunction with a slow down in systems development. Also, capital expenditures relating to the Pickton trial have been delayed due to the trial delay.
- Legal Services variance is primarily due to fewer capital expenditures required.
- Prosecution Services variance is primarily due to the Litigation Management System project capital expenditures being less than budgeted, as well as CITS absorbing some of the capital charges. Also, some tenant improvement projects were delayed.
- Justice Services variance is primarily due to delays in information system projects.
- Executive and Support Services variance is primarily due to savings in information systems projects.
- Treaty Negotiations Office variance is primarily due to capital projects not proceeding as planned.
- Judiciary variance is primarily due to expenditures on various systems projects.
- BC Utilities Commission variance is due to no capital expenditures being required.
- Public Guardian and Trustee approved cost overrun (variance) incurred for the Comet systems project.

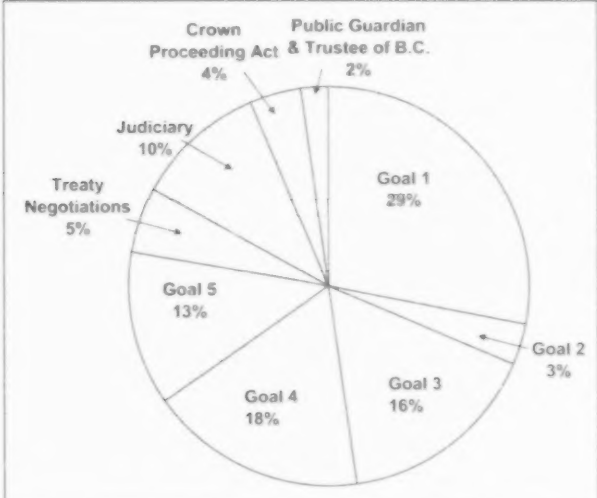
Capital Plan — Variance Explanations

- Surrey Courthouse refurbishment was delayed.

Other Financing Transactions — Variance Explanations

- Executive and Support Services variance is primarily due to lower volume of transactions and lower interest rates.
- Treaty Negotiations Office variance is primarily due to a reduced requirement for the acquisition of land for treaty settlements and lower than anticipated payments required for Nisga'a Final Agreement.

2004/05 Net Operating Expenditures by Goal and Other Accounts



Goals:

1: Support services provided to the courts facilitate efficient case processing.

2: Ministries and agencies receive high-quality, cost-effective legal services that ensure they operate lawfully and manage their legal risks effectively.

3: Prosecution of all offences is timely, fair and effective.

4: The justice system is available, understandable and workable for individuals involved in civil, family and criminal cases.

5: Government and corporate initiatives receive essential administrative services.

Appendix A: Supplementary Performance Information

The performance measures that appear earlier in this report relate to specific activities conducted within separate core business areas. Responsibility for this kind of performance measure and control over the results reside largely within each respective business area.

However, within the provincial justice system, there are other broader measures of performance that do not fall exclusively under the auspices of a single core business area. These other measures are treated as system indicators, and they differ in several ways from performance measures.

System indicators summarize results of entire justice system processes (as opposed to distinct aspects of a process) and represent the combined outcomes of responsibilities and accountabilities of two or more business areas, as well as of other participants in the process such as the judiciary and the police. Although each separate business area and each participant contributes to system indicators, no single business area or participant has sole responsibility for, or control over, such indicators, or the ability to achieve targets single-handedly.

Shared responsibilities create shared challenges for performance measurement within a ministry that operates through discrete branches. For example, criminal case processing is a significant component of the justice system. Improved case processing efficiency is a desirable outcome that requires the combined activities and cooperation of Court Services, Prosecution Services, Justice Services, the independent judiciary, defence bar and the police. If cases are not processed efficiently and are therefore delayed, the associated costs can increase. Unacceptable delay in case processing can also be grounds for dismissing charges.

The three indicators shown below are used by the ministry to track and demonstrate case processing efficiency, but they are not under the exclusive control or direction of a single business area or justice participant. The associated estimates are projections only, as opposed to true targets. For those reasons, the indicators are presented as supplementary performance information that reflects the cumulative results of actions by thousands of individuals dealing with tens of thousands of cases.

Key Indicators of Provincial Justice System Efficiency	2002/03 Actual	2003/04 Actual	2004/05 Projection	2004/05 Actual
Average months of trial delay in Provincial Court criminal cases	6	5.1	6	4.6
Median number of days to disposition from first appearance in court for criminal cases[1]	44	51	44	56
Average number of appearances per completed case in Provincial Court	5.8	6.1	5.4	6.3

Results and Variance Explanations:

The measurement of time and court events from case commencement to disposition broadly indicates system efficiency and effectiveness. Unacceptable delays can be grounds for dismissing charges.

Trial delay is the period of time that begins on the day when the defence formally requests a trial and ends on the day when a trial date is set. The actual for 2004/05 shows that the average time required to set dates for trials to begin decreased by about 15 days. The decrease in delay produced an overall improvement in the speed with which cases that go to trial are processed.

The other two indicators show increases and could reflect growing case complexity involving intricate legal issues, multiple parties, and large volumes of technical evidence. All of these factors take longer to resolve, and they use more court resources. Data from previous years show that the average number of appearances is increasing fractionally, which is consistent with increased case complexity.

Data Considerations:

Three key indicators are tracked by the Court Services Branch. Two of them (second and third above) are based on courtroom processes and document handling. The second indicator — median number of days to disposition — tracks the median time required to process all charges and documents related to a given case.

The data source for the second and third measures is JUSTIN, a highly reliable, integrated case tracking system used throughout the province. The first measure is reported quarterly by the Office of the Chief Judge and is generated by survey.

[1] This measure represents all criminal cases, including those that do not proceed to trial.

Appendix B: Agencies, Boards and Commissions

The Ministry of Attorney General has direct responsibility and accountability for the following agencies, boards and commissions.

British Columbia Ferry Commission

The British Columbia Ferry Commission regulates British Columbia Ferry Services Inc. (BC Ferries), the major ferry operator in coastal British Columbia, which holds an effective monopoly on most of its routes. The Commission is established under the *Coastal Ferry Act*, consisting of the Commissioner and not more than two Deputy Commissioners. The Commission operates independent of government to regulate fares and service levels of BC Ferries on 25 saltwater routes. The Act sets out six principles that the Commission is to follow in the course of its regulatory activities to protect the public interest in the provision of coastal ferry services.

For more information on this organization, please go to: http://www.bcferrycommission.com/ *

British Columbia Human Rights Tribunal

The Tribunal is responsible for accepting, screening, mediating and adjudicating complaints under the *Human Rights Code*. The Tribunal provides parties the opportunity to resolve complaints through mediation. Complaints that are not resolved through mediation proceed to a hearing before the Tribunal. The Tribunal is accountable to the legislature through the Attorney General and functions independently of government on all matters related to adjudication of complaints. Orders of the Tribunal are enforceable in the British Columbia Supreme Court.

For more information on this organization, please go to: http://www.bchrt.bc.ca/ *

British Columbia Review Board

The British Columbia Review Board is established under the *Criminal Code* of Canada. The Chair and members are appointed by the Lieutenant Governor in Council on the recommendation of the Attorney General. The Board conducts hearings to review and assess the mental condition and level of threat to the public posed by mentally disordered accused persons to determine whether they should be absolutely or conditionally discharged, or detained in a designated place of custody.

For more information on this organization, please go to: http://www.bcrb.bc.ca/ *

* *Refer to note on page 3.*

British Columbia Utilities Commission

The British Columbia Utilities Commission operates under and administers the *Utilities Commission Act*, regulating utilities to ensure customers receive safe, reliable and non-discriminatory energy services at fair rates, and that shareholders of those utilities are afforded a reasonable opportunity to earn a fair return on their invested capital.

For more information on this organization, please go to: http://www.bcuc.com/ *

British Columbia Treaty Commission

The Treaty Commission is the independent and neutral body responsible for facilitating treaty negotiations among the governments of Canada, BC and First Nations in BC. The Treaty Commission does not negotiate treaties — that is done by the three parties at each negotiation table. The Treaty Commission's primary role is to oversee the negotiation process to make sure that the parties are being effective and making progress in negotiations. In carrying out the recommendations of the BC Claims Task Force, the Treaty Commission has three roles — facilitation, funding and public information and education.

For more information on this organization, please go to: http://www.bctreaty.net/ *

Child and Youth Officer

The Officer provides support to children, youth and their families in obtaining relevant services and provides independent observations and advice to government about the state of services provided or funded by government to children and youth in British Columbia. The Officer may comment publicly on matters affecting children and youth. At the request of the Attorney General, the Officer must undertake an investigation into any matter within the scope of the *Office for Children and Youth Act* and make a confidential report to the Attorney General, who determines whether the report should be made public. The Officer reports annually to the Attorney General who must table the report in the Legislative Assembly.

For more information on this organization, please go to: http://www.gov.bc.ca/cyo/ *

Expropriation Compensation Board

The Expropriation Compensation Board is in transition and will be dissolved December 31, 2005. Jurisdiction over expropriation compensation and related matters previously held by the Board under the *Expropriation Act* has been transferred to the Supreme Court of BC, effective March 18, 2005. Jurisdiction over inquiries into the necessity for non-linear expropriations has been transferred to the Attorney General. The Board will be able to finalize matters that are currently in progress until December 31, 2005. Parties who have filed claims with the Board, but who do not have a hearing in progress before the Board, may transfer their case to the Supreme Court. All new claims must be initiated in the Supreme Court.

For more information on this organization, please go to: http://www.ecb.gov.bc.ca/ *

* *Refer to note on page 3.*

Public Guardian and Trustee of British Columbia

The Public Guardian and Trustee (PGT) is appointed under the *Public Guardian and Trustee Act*, for a six year term, to protect the legal and financial interests of children, and provide assistance to adults who need support for financial and personal decision making. The PGT also administers the estates of deceased and missing persons where there is no one else able to do so.

For more information on this organization, please go to: http://www.trustee.bc.ca/ *

* *Refer to note on page 3.*

Appendix C: Legislation Administered by the Ministry of Attorney General

The Ministry of Attorney General is responsible for administering the following acts and regulations. A full explanation of this legislation can be found at http://www.qplegaleze.ca/ *

Administrative Tribunals Act

Administrative Tribunals Appointment and Administration Act

Adult Guardianship Act

Age of Majority Act

Attorney General Act (ss. 1, 2 (a) - (d), (f), (g), (i) and (j), 3 and 4; ss. 2 (e), 5 and 6 as they relate to the powers, duties and functions of the Attorney General and Minister Responsible for Treaty Negotiations

Charitable Purposes Preservation Act

Civil Rights Protection Act

Class Proceedings Act

Coastal Ferry Act (Part 4 and ss. 70, 72 and 73)

Commercial Arbitration Act

Company Act (s. 323)

Conflict of Laws Rules for Trusts Act

Constitution Act (except ss. 25 - 27)

Constitutional Amendment Approval Act

Constitutional Question Act

County Boundary Act

Court Agent Act

Court of Appeal Act

Court Order Enforcement Act

Court Order Interest Act

Court Rules Act

Criminal Code (Canada) (s. 672.38 (1) insofar as it applies to British Columbia)

Crown Counsel Act

Crown Franchise Act

Crown Proceeding Act

* Refer to note on page 3.

Debtor Assistance Act
Disciplinary Authority Protection Act

Election Act
Electoral Boundaries Commission Act
Electoral Districts Act
Electoral Reform Referendum Act
Enforcement of Canadian Judgments Act
Escheat Act
Estate Administration Act
Estates of Missing Persons Act
Evidence Act
Expropriation Act

Family Compensation Act
Family Maintenance Enforcement Act
Family Relations Act
Federal Courts Jurisdiction Act
Financial Disclosure Act
Foreign Arbitral Awards Act
Foreign Money Claims Act
Fraudulent Conveyance Act
Fraudulent Preference Act
Frustrated Contract Act

Good Samaritan Act

Holocaust Memorial Day Act
Human Rights Code

Indian Cut-off Lands Disputes Act
Infants Act
Inquiry Act
Insurance Corporation Act (Divisions 1 to 3 of Part 2)
Interjurisdictional Support Orders Act
International Commercial Arbitration Act
International Sale of Goods Act

International Trusts Act
Interpretation Act

Judicial Compensation Act
Judicial Review Procedure Act
Jury Act
Justice Administration Act

Law and Equity Act
Law Reform Commission Act
Legal Profession Act
Legal Services Society Act
Libel and Slander Act
Limitation Act
Lobbyists Registration Act
Local Government Bylaw Notice Enforcement Act

McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement Act
Members' Conflict of Interest Act
Ministry of Consumer and Corporate Affairs Act (ss. 3 and 4 (a) in relation to consumer affairs; s. 4 (b) – (d))
Ministry of Provincial Secretary and Government Services Act (sections 2 (1), (2), (3), (5) and (6), 3, 5, 6 and 7)

Negligence Act
Nisga'a Final Agreement Act
Notaries Act

Occupiers Liability Act
Offence Act
Office for Children and Youth Act
Ombudsman Act

Partition of Property Act
Patients Property Act
Perpetuity Act
Power of Appointment Act
Power of Attorney Act

Privacy Act
Probate Recognition Act
Property Law Act
Provincial Court Act
Public Guardian and Trustee Act

Queen's Counsel Act

Recall and Initiative Act
Referendum Act
Regulations Act
Representation Agreement Act

Safe Streets Act
Sechelt Indian Government District Enabling Act (except s. 4)
Sheriff Act
Small Claims Act
Statute Revision Act
Statute Uniformity Act
Subpoena (Interprovincial) Act
Supreme Court Act
Survivorship and Presumption of Death Act

Treaty Commission Act
Trespass Act
Trust and Settlement Variation Act
Trustee Act
Trustee (Church Property) Act

Utilities Commission Act

Wills Act (except Part 2)
Wills Variation Act

Youth Justice Act (Part 1 and section 44 (2) (a) and (b))